

B M1365

MacCorkle

Recollections

280222

BOOK NO.

ACCESSION

B M1365

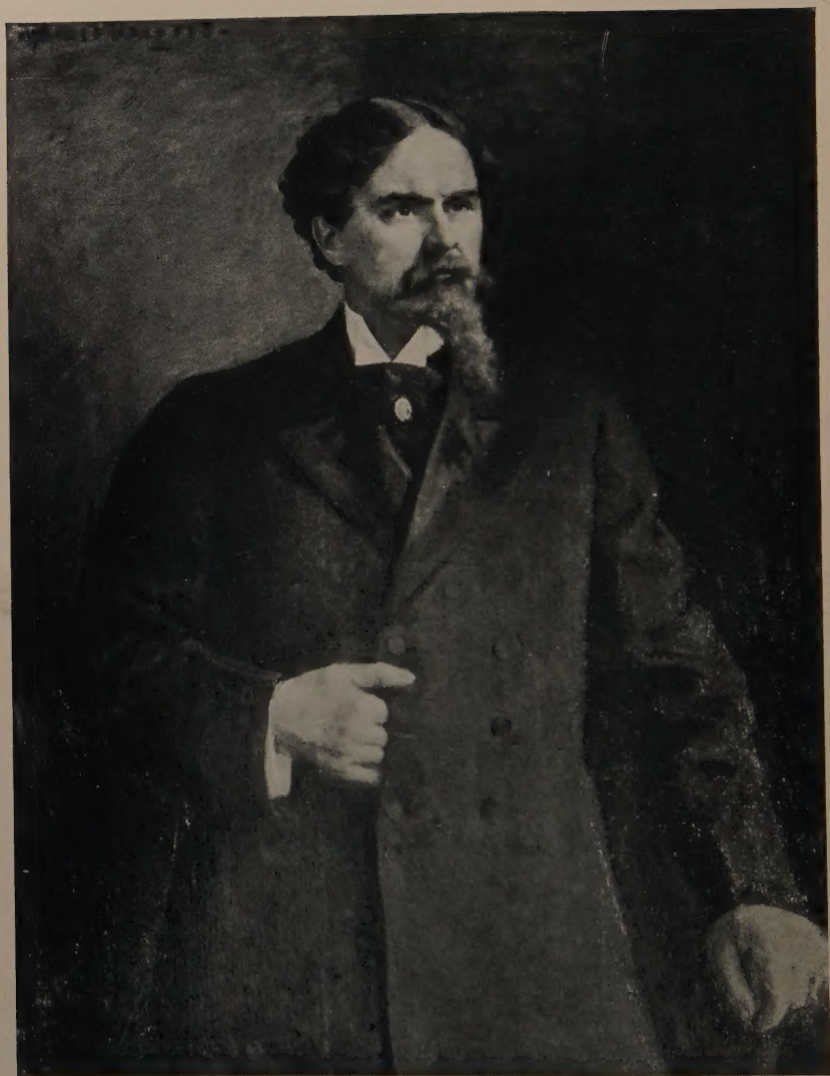
280222



SAN FRANCISCO PUBLIC LIBRARY



3 1223 00364 1637



FROM THE PAINTING IN THE GOVERNOR'S OFFICE

THE RECOLLECTIONS OF FIFTY YEARS OF WEST VIRGINIA

By

WILLIAM ALEXANDER MACCORKLE
LL.D., D.C.L.

OF THE KANAWHA BAR. LATE GOVERNOR OF WEST VIRGINIA

AUTHOR OF "THE MONROE DOCTRINE," "THE PERSONAL GENESIS OF THE
MONROE DOCTRINE," "SOME SOUTHERN QUESTIONS," ETC.

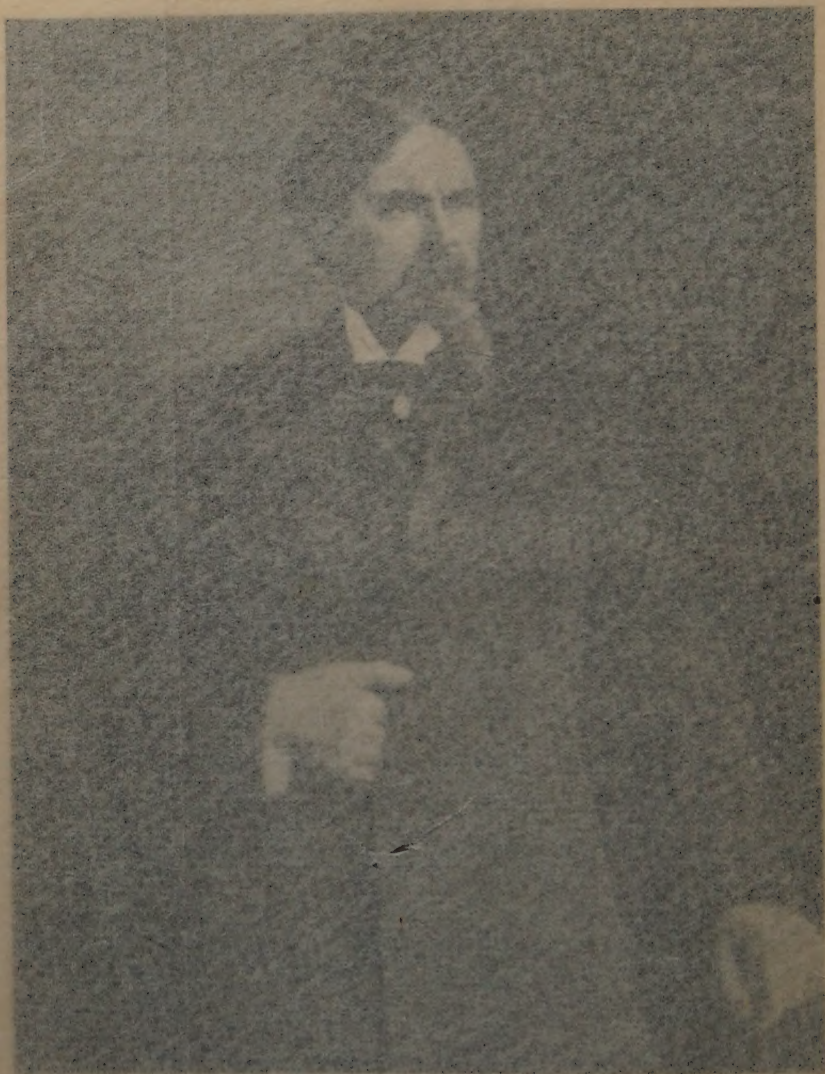
8

G. P. PUTNAM'S SONS

NEW YORK - LONDON

The Knickerbocker Press

1908



FROM THE PAINTING IN THE GOVERNOR'S OFFICE

THE RECOLLECTIONS OF FIFTY YEARS OF WEST VIRGINIA

By

WILLIAM ALEXANDER MACCORKLE
LL.D., D.C.L.

OF THE KANAWHA BAR. LATE GOVERNOR OF WEST VIRGINIA

AUTHOR OF "THE MONROE DOCTRINE," "THE PERSONAL GENESIS OF THE
MONROE DOCTRINE," "SOME SOUTHERN QUESTIONS," ETC.



G. P. PUTNAM'S SONS

NEW YORK — LONDON

The Knickerbocker Press

1928

THE RECOLLECTIONS OF FIFTY YEARS

Copyright, 1928

by

William Alexander MacCorkle

B
M 1365

280222



Made in the United States of America

3 1223 00364 1637

TO THE MEMORY OF
MY MOTHER, MY WIFE, AND MY DAUGHTER
THIS BOOK IS LOVINGLY INSCRIBED



Mac Corkle

FOREWORD

To lead a useful life and enjoy it, to make many ardent friends and retain them, to win high distinction and deserve it, to witness great events and be part of them,—fate can do little more than this for any man. When one so favored sits down to write the chronicle of his memories, he is merely paying a just debt to fortune. If it is well done, moreover, he not only discharges his own debt but lays up for himself treasures in the hearts of his readers. Nothing is more interesting than such recitals, and literature, as well as history, would be poor indeed robbed of its memoirs and biographies. How much of the past, without them, would be gone forever beyond recall!

Governor MacCorkle's *Recollections of Fifty Years* fits with exactitude into this frame. It deals with a busy life, spent in interesting tasks, amidst unusual surroundings. The span of years in question was filled with great and stirring events, both in West Virginia and the Nation. It witnessed social, political and industrial changes so tremendous that it is almost as if one civilization had disappeared giving place to another. In all this sequence of events Governor MacCorkle has had a share so large that he may say without boasting "*Quorum magna pars fui.*"

With humor, with soberness, with kindness and yet with candor he has given in this book a vivid

picture of the scenes through which he has moved, and brought the banished actors once more upon the stage. It is an invaluable contribution to the history of the State. Yet it is literature as well as history; not the less historical because it is literature, nor the less literary because it is history.

The portraits it contains are drawn with rare skill. The notable lawyers and men of West Virginia whose names appear are justly dealt with, and it is not the mere perspective of the years that makes their figures seem so large. The time was one in which men had convictions and fought for them, and when the race was to the swift and the battle to the strong. They came of a virile race and exemplified its virtues; their lives are full of lessons to their successors; and it is a real service to preserve their names from oblivion.

But, consciously or unconsciously, in writing this book, the Governor has drawn his own portrait, too. For this his friends and readers, old and new, will thank him; and as they gaze on the familiar outlines, they will join each other in the fervent hope that the westering sun may shine gently upon "Sunrise" and its master for many a year to come.

JOHN W. DAVIS.

March 19, 1928.

PREFACE

THIS is in no sense a history of the olden Bar of Southern West Virginia, or of the Kanawha Bar, or of those who composed the membership of the Bar of that section. That important work should be undertaken by someone having more leisure than is possessed by one so actively engaged as is the writer. I have simply tried to place in printed form some personal memories, experiences and characteristics of the older Bar, which, with the passing years, are becoming dim and faint. Nothing is given of the details of the lives of its members or the history of events. The cases they tried, the offices they held and the historical details of their lives are left for portrayal by others. My task is to preserve that which dies quickly and is only to tell something of the character of the men and give the trend of thought of those days and some of the incidents which would in a few words indicate the state of the professional life and the characteristics of the Bar of my younger time and in a way record the grace of the days that are gone. I have given in an inadequate manner the atmosphere surrounding these days. The coming historian must fill in the details and write the lesson. It has been difficult to abstain from falling too much into the autobiographical form, for

since 1876, in a very humble way, I have taken part in the history and development and politics of West Virginia. This has been a half century, fifty years, a long, long time, and in that period many men have died and a whole era has gone with the dead past. I originally intended to confine myself to the men and incidents of the old Southern West Virginia Bar and to write another volume describing the development of West Virginia and its political life, giving the incidents of my own life in connection with this phase of the State's evolution. But life is so uncertain and I have experienced so many vicissitudes in my own life that I concluded I would endeavor to finish the whole at this time.

I have given much space to Judge George W. Summers, who is the only person written about whom I did not know, and have given some extracts from the speeches of that great orator and statesman in order that the present generation may have before it his matter of thought and manner of speech, which if neglected much longer will be forever lost, and for the further reason that the student of West Virginia history may have available a distinct idea of a most interesting period by a master of the subject.

It has been a labor of love, done when the work of the day in the office was over, and in the evening, when the thoughts unconsciously turn to the days that were filled with sunshine, and to the hours redolent with the perfume of flowers—the days of young manhood.

I wish to express my thanks to my long time friend, Joseph Ruffner, who kindly gave me many important suggestions and read the manuscript for

PREFACE

vii

me, to my secretary, Mrs. Alice Taylor, and to Mrs. Yvonne Riffe, for their patience and skill in placing this work in manuscript.

WM. A. MACCORKLE.

SUNRISE,

CHARLESTON, WEST VIRGINIA,

June, 1927.

CONTENTS

CHAPTER I

HISTORY OF FAMILY	PAGE 3
-----------------------------	-----------

CHAPTER II

PARENTS	19
-------------------	----

CHAPTER III

ANCESTRY. TEACHING SCHOOL IN WEST VIRGINIA. GOVERNOR LETCHER. IMPRESSIONS OF THE STATE. WEST VIRGINIA IN 1878	31
---	----

CHAPTER IV

EARLY LIFE—JUDGE JOE SMITH. W. A. QUARRIER. E. B. KNIGHT	42
---	----

CHAPTER V

JUDGE JAMES H. FERGUSON	62
-----------------------------------	----

CHAPTER VI

SCOTCH-IRISH IN VALLEY OF VIRGINIA. SENATOR JOHN E. KENNA. GOVERNOR E. W. WILSON. JUDGE JAMES H. BROWN. CHARLES H. CALDWELL. EVANS DODDRIDGE. WILLIAM H. HOGEMAN	83
---	----

CHAPTER VII

SALT MAKING: JAMES M. LAIDLEY. CHARLES HEDRICK. ISAAC N. SMITH. SAMUEL A. MILLER. WESLEY MOLLOHAN. COLONEL BEN H. SMITH. MAJOR THOMAS L. BROWN	114
---	-----

CONTENTS

CHAPTER VIII

	PAGE
CONTINUED—THE BAR OF KANAWHA. MASON AND JACKSON	139

CHAPTER IX

THE BAR OF GREENBRIER, MONROE, POCAHONTAS AND FAYETTE. JUDGE CAMPBELL. SENATOR FRANK HEREFORD. SENATOR ALLAN T. CAPERTON. JUDGE HARRISON. GOVERNOR PRICE. JUDGE ADAM SNYDER. JUDGE HOMER A. HOLT. GOVERNOR MATHEWS. ALEXANDER T. MATHEWS AND J. W. ST. CLAIR	164
--	-----

CHAPTER X

THE APPALACHIAN MOUNTAINS. THE MOUNTAIN PEOPLE'S PROGRESS. THE SHOOTING MATCH. APPLE BUTTER BOILING. THE DANCE . . .	196
--	-----

CHAPTER XI

THE CIRCUIT RIDER. C. C. WATTS. EUSTACE GIBSON. J. E. CHILTON. THE COUNTRY LAWYER. COURT WORK. FEES, PUBLIC SPEAKING. DIFFERENCE IN THE PRACTICE	226
--	-----

CHAPTER XII

THE CIRCUIT RIDER CONTINUED. COLONEL MILTON FRENCH. JUDGE EVERMONT WARD. JUDGE THOMAS H. HARVEY. THE FEUDS . . .	259
--	-----

CHAPTER XIII

COURT WORK. PRACTICE THEN AND NOW . . .	293
---	-----

CHAPTER XIV

JUDGE GEORGE W. SUMMERS. PHILIP DODDRIDGE. ALEXANDER CAMPBELL	311
---	-----

CHAPTER XV

JUDGE GEORGE W. SUMMERS— <i>Continued</i> . . .	342
---	-----

CONTENTS

xi

CHAPTER XVI

	PAGE
JUDGE GEORGE W. SUMMERS— <i>Continued</i> . . .	384

CHAPTER XVII

M. E. INGALLS. JUDGE JOHN J. JACKSON. THE BLENNERHASSETT CASE. GENERAL GOFF. JUDGE FLEMING. FLEMING AND GOFF CONTEST. JOHN BROWN. LOGAN C. BULLITT . . .	406
---	-----

CHAPTER XVIII

STEPHEN B. ELKINS. HENRY G. DAVIS. W. M. O. DAWSON. JOHN J. DAVIS. JOHNSON N. CAMDEN. RANDOLPH TUCKER. GOVERNOR ROBERT TAYLOR. JUDGE SAMUEL WOODS. WILLIAM E. CHILTON. JUDGES HENRY AND JOHN BRANNON. HENRY S. WALKER . . .	445
--	-----

CHAPTER XIX

THE GOVERNORSHIP. THE STATE IN AREA AND PRO- DUCTS. ITS FUTURE. IMMIGRATION. STRIKES. PARDONS . . .	482
---	-----

CHAPTER XX

THE GOVERNORSHIP CONTINUED. MY CONTROVERSY OVER THE TARIFF. GOVERNOR CAMPBELL. WILLIAM L. WILSON. PRESIDENT MCKINLEY. MARK HANNA. GEORGE COX . . .	521
---	-----

CHAPTER XXI

THE OLD VIRGINIA DEBT. ROAD BOND AGREEMENT. THE WAR LOAN CAMPAIGN . . .	540
--	-----

CHAPTER XXII

THE GOVERNORSHIP CONTINUED. THE BUILDING OF THE WEST. THE REHABILITATION OF THE SOUTH. THE NEGRO QUESTION. BOOKER T. WASHINGTON. THE HUNTSVILLE CONVENTION. CAPTAIN EVAN HOWELL . . .	557
---	-----

CHAPTER XXIII

	PAGE
VICE-PRESIDENT MARSHALL. PRESIDENT WILSON.	
PRESIDENT ROOSEVELT. MR. BRYAN. VICE-	
PRESIDENT STEVENSON. EVANGELINE BOOTH.	
SECRETARY DANIELS. WILLIAM A. SUNDAY.	
JAMES J. CORBETT. AL G. FIELDS . . .	577

CHAPTER XXIV

MY SWAN SONG	616
INDEX	631

ILLUSTRATIONS

	FACING PAGE
GOVERNOR W. A. MACCORKLE <i>Frontispiece</i> (From the painting in the Governor's office.)	
MY GRANDFATHER, ALEXANDER MACCORKLE, CAPTAIN U. S. A., WAR OF 1812	12
(From the painting at Sunrise.)	
MY MOTHER, MARY MORRISON MACCORKLE	14
(From an old daguerreotype.)	
MY FATHER, WILLIAM MACCORKLE, MAJOR C.S.A.	22
(From the painting at Sunrise.)	
MY WIFE, BELLE F. MACCORKLE	34
(From an old photograph.)	
CLAY COUNTY CLERK'S OFFICE—1880—AND A. J. STEPHENSON, CLERK	36
THE OLD COURT HOUSE OF KANAWHA COUNTY	40
W. A. MACCORKLE DURING THE CAMPAIGN FOR THE GOVERNORSHIP	120
SUNRISE—SOUTHERN FRONT	316
NORTH FRONT OF SUNRISE	320
LETTER AND SIGNATURE OF BLENNERHASSETT	424
(From collection at Sunrise.)	
BLENNERHASSETT CORNER CUPBOARD	428
(From collection at Sunrise.)	

	FACING PAGE
JOHN BROWN	430
(From a photograph of a woodcut at Sunrise.)	
JOHN BROWN LETTER AND SIGNATURE	432
(From original at Sunrise.)	
THE SIGNATURE AND COMMISSION OF JUDGE PARKER WHO PRESIDED AT THE TRIAL OF JOHN BROWN	434
(From originals at Sunrise.)	
PIKE WITH BROKEN HANDLE; PITCHER AND DRINKING GLASS USED BY JOHN BROWN AT HIS TRIAL, AND GAVEL USED BY JUDGE PARKER AT TRIAL	436
(From collection at Sunrise.)	
"THE FIDDLE AND THE BOW," WRITTEN BY GOVERNOR TAYLOR	478
(From original at Sunrise.)	
W. A. MACCORKLE AT FORTY-FIVE	488
W. A. MACCORKLE AT SIXTY-TWO	496
LETTER OF WOODROW WILSON	586
(From original at Sunrise.)	
LETTER OF COLONEL ROOSEVELT	602
(From original at Sunrise.)	
LETTER FROM MR. DANIELS	612
(From original at Sunrise.)	
W. A. MACCORKLE AT SIXTY-FIVE	618
(From the painting at Sunrise by Jongers.)	
MY DAUGHTER, ISABELLE MACCORKLE—KILLED IN AN AUTOMOBILE ACCIDENT, JUNE 12, 1926	622
(From a kodak picture)	

THE RECOLLECTIONS OF
FIFTY YEARS
OF WEST VIRGINIA

THE RECOLLECTIONS OF FIFTY YEARS

CHAPTER I

HISTORY OF FAMILY

I WAS born on the seventh of May, 1857, at Sunrise, my father's plantation in Rockbridge County, in the heart of the Valley of Virginia. Sunrise belonged to my great-grandfather, John MacCorkle, who was killed at the Valley of Cowpens, and the house in which I was born is the old rose brick house built by my grandfather, Alexander MacCorkle, who was a captain in the United States Army in the War of 1812.

Now, there is no special significance in my being born in May; many people are born in May. I state it as a fact, not that I am better or worse for being born in May of the year 1857.

One time, in the South, I went to hear Mr. Wu Ting Fang, the accomplished Chinese diplomat. It was in the month of May. The hall was in a park and the windows were open and the air came from the park commingled with the fragrance of many flowers. Mr. Wu looked at the open windows and saw them filled with the magnolia and the bougainvillæa which flooded the room with not only their beauty

but with their wonderful perfume. He began by saying, "May is a wonderful month, the sun begins to have its power in that month, and the cowslip and the daffodil and the jonquil, and in my country, the rose, come to gladden and rejoice you. The birds are here with their song and twitter and their joy, and the grass clothes the brown hills and valleys with its glory of green. The resurrection which you are taught is not alone for the flowers and the trees, but for all of us, is here." He continued in this strain, with the most delightful imagery, for ten minutes. It was not the subject of the speech we had come to hear. Then he left the flowers and the trees and began to discuss the influence of May on other things. He showed us that many of the men who had influenced the world in all ages had been born in May; that many of the great events in the life of the world had happened in May. He went on with such a discussion of May as left very little glory for the other eleven months. He then picked up his notebook to begin his lecture. Someone in the audience said, "Mr. Wu, can I ask you a question?" "Oh, yes," said Mr. Wu. Then the man said, "In what month were you born?" "Oh," said Wu, with a blush mantling his yellow face, "I was born in May, but that does not make any difference in what I have said about the month." That is the case with me.

The people from whom I sprang are the old clan or sept of the Highlands, of Torquil or MacTorquil, which has gradually been modernized into MacCorkle. Anderson, in his history of the Scottish Nation, says:

"MacCorquodale, otherwise MacTorquil (the son of Torquil), MacCorkle, or Corkingdale, the surname of

a Highland Sept, the founder of which was Torquil, a prince of Denmark, who was in the army of Kenneth the Great, on his coming over from Ireland to the assistance of Alpin, King of the Scots, against the Picts.

“Previous to Kenneth’s arrival, King Alpin, in a battle with the Pictish King, was killed, and his head fixed on an iron spike in the midst of the Pictish city, situated where the Carron ironworks now stand. King Kenneth offered to anyone in his army who would pass the Pictish sentinels and remove the head, a grant of all the land on Loch Awe side. Torquil, the Dane, undertook the hazardous enterprise, and brought the head to the king, for which act of bravery he was rewarded by a charter of the lands promised. This charter was for a long time preserved in the family, though the greater part of the lands had passed to other hands. Shortly after the Revolution it was lent to Sir Alexander Muir MacKenzie, for his inspection, and was lost. At least it disappeared from that time. The name, which in some places of the Highlands is still called MacTorquil, is perhaps one of the most ancient in the county of Argyle. Donald McCorquodale of Kinna-Drochag, on Loch Awe side, who died towards the end of the eighteenth century, was the lineal descendant of Torquil and the chief of his clan; his grandson and representative, John McCorquodale, at one period, resided at Row, Dumbartonshire. The heirs of John McCorquodale afterwards lived in Row. The last lineal descendant afterwards moved to London where he died a few years ago.”

Now, do not let my readers misunderstand me and think that from mere pride I am telling that I sprang

from an ancient family. I am proud that my people are ancient and that they have been good, honest, God-fearing people for all of these centuries, but I am a Democrat, and believe that every tub should stand on its own bottom. I believe also that good blood is the same with men as with horses. It will make a man run true just as it will make a horse stand up to the race, and it is a good start for any man to have good honest people behind him.

My father was William MacCorkle and my mother's name was Mary Morrison, both Scotch-Irish, and both were from Rockbridge County. The lineal ancestors of each of them signed the Covenant on the Stone at Gray Friars at Edinburgh, and my ancestors on both sides were at the siege of Londonderry. The family has been always a vigorous protester against governmental and religious injustice. My father was a major in the Confederate Army in the Civil War of 1861, and all of my people were in that army. My grandfather, Alexander MacCorkle, was a captain in the United States Army in the War of 1812; my great-grandfather, John MacCorkle, was a lieutenant in the American forces in the War of the Revolution, and was killed at the Battle of Cowpens; my great-great-grandfather, John McNutt, was with Lawrence Washington and Admiral Vernon in the expedition against Carthage, and my son was a lieutenant in the World War. I have not been in any war because my age did not fit the dates of any war, but in the World War, notwithstanding my age, I tried to do my duty. *did*

I was the oldest of the children of William MacCorkle and Mary Morrison. There were three

other children: Minnie, who died in Colorado, Judge A. D. MacCorkle, of Charleston, who was City Judge of this city, and my sister, Willie May MacCorkle, who also lives in Charleston.

John MacCorkle, my great-grandfather, the son of William MacCorkle, married Rebecca McNutt, the daughter of John McNutt. This woman was a person of indomitable will and energy. Alexander MacCorkle, my grandfather, the son of John MacCorkle, inherited from his father the Sunrise plantation near Lexington, Virginia. He was a man of very vigorous and commanding personality, and was an elder for fifty years in the Presbyterian Church at Lexington, Virginia. His word was taken at its face value wherever he was known. A son of Alexander MacCorkle was Samuel MacCorkle, who was a great merchant and at one time was one of the four or five richest men in the south. He was an elder in the Church at Lynchburg, Virginia, for nearly fifty years. Another son of Alexander MacCorkle was Alexander L. MacCorkle, who was a Presbyterian minister for fifty-two years in one congregation. My father was the youngest son of Alexander MacCorkle, and he inherited the Sunrise plantation in Rockbridge County.

Rebecca McNutt MacCorkle, after my great-grandfather's death at the Battle of Cowpens, married Arthur Glasgow, and through both the MacCorkle and Glasgow lines she has a great many descendants. In June of this year, I was at the Commencement of Washington & Lee University at Lexington, Virginia. There were in the Senior Class four of her lineal descendants,—all great, great, grandchildren, who were graduating with distinction.

In the Lee Chapel on that day were twelve graduates who were also her lineal descendants. At the same time there were present on the Board of Trustees of this University three men who were descended directly from her—Frank Glasgow, Hugh B. Sproul, the writer, as well as the Hon. William A. Anderson, the distinguished lawyer and attorney general of Virginia, who was a relative of Rebecca McNutt, although not lineally a descendant.

When I was eighteen months old, my father and mother moved to Missouri to live. My father was a pushing, restless, able man. He did not pursue the even tenor of a planter's way in Virginia. He was the president of the North River Navigation Company, was one of the managing directors of the James River and Kanawha Canal. He built the locks and dams at Lexington and on the upper James River and was actively engaged in the various duties looking to the dream of Virginia, the joining of the waters of the Atlantic Ocean with the Ohio. He was a large owner of lands in Chicago and in the west, and was the owner of coal and farm lands in Missouri. It is needless to say that all of my Scotch-Irish forbears were Presbyterians.

My father purchased a great hemp plantation in Missouri. Whilst we lived in Missouri we went across the plains to Denver. When I consider the changes that have taken place in this country in that time, it seems that this is another age and another era and that this is not the recital of what occurred in one man's lifetime. We crossed the plains in a four-horse ambulance. There was not a foot of railroad west of the Missouri River. My first active impressions of life were of the desert. One

illustration will show the vast change in the country within that lifetime. I remember, and it is not with a "suggestive memory" such as Vice-President Marshall mentions, that the wagon train was stopped for a whole day because the buffalo were migrating across the wagon trail. There were hundreds of thousands of them and the whole day was taken up with their crossing.

I was reading lately the famous second edition of Wilson's ornithology, in which he stated he witnessed the wonderful flight of wild pigeons near Harrisonburg, Kentucky, in about 1846. I think he said the flight was twelve miles in width, eight or ten feet thick and thirty miles in length. He stated that giving one pigeon eighteen inches of room there were trillions of birds in that flight. Although I may be wrong in my recollection of the figures, the thing was incalculable. Yet it was very little more than a lifetime past! Just a few years ago I pinned to a page of this book a sheet of the Cincinnati Inquirer having the picture of the last specimen of the wild pigeon that was known to exist. This one was kept for many years in the Cincinnati Zoo and it died some years ago and was the last one of the millions upon millions which formerly lived in this country. So, there are not now 5,000 buffalo in the whole of the United States. They have gone with the millions and trillions of wild pigeons that lived in this land at that time. I sometimes wonder if it could be possible that within that time such a change has taken place. In 1871, when I again crossed the plain, I saw many buffalo killers and was impressed as I sat about the camp fire, with their stories of the ruthless slaughter of this great American animal.

When we first crossed the Desert we carried with us the famous skull of 1849. It was a gleaming white skull, covered over with the names of people who had carried it back and forth on its endless trail. To show the immensity of change, we were in terror of the Ute Indians during our journey in 1860 through what is now a thickly populated country. The Utes skinned a white man right near our camp, literally skinned him alive, because he had killed an Indian woman. They broke into our corral and ran away with our mules and all the time we were guarding against an attack. Does it not seem like a tale from another age instead of being related by one who is yet in active life?

My father conveyed to me one hundred and thirty acres of land, part of which was in the heart of Denver on Arapahoe Street, which runs directly through the tract. This he said, would be a great investment. He had greater faith in Denver than in any other Western city. He came back to Missouri and then went into the War, dying in its closing year. The records of Denver by a great inundation of Cherry Creek were lost, and we only obtained a small portion of the land which he owned. It is today worth millions. When in 1871 I again went across the plains and from Omaha crossed the Desert in a stage, the buffalo were still on the plains, but were comparatively few.

I remember that the day of my father's death was a somber day for us. The neighbors were all gone. They had either been killed or had gone away to save their lives. No Southern man was safe in that community. My mother, my brother and sister and I—the only ones living in the community—were

in the midst of a vast plantation. This immediate country was garrisoned by a regiment of Union soldiers, and the town was six miles away. I remember riding in the farm wagon beside the coffin of my father to his burial. It was a cold, snowy day, the country was deserted. My mother was sick in the midst of the plantation with two infant children, and no one was with me except the driver who was a stranger. I was the only one to mourn at my father's burial. He was a Mason, high in the Order, and when we arrived at Carrollton, although he was clothed in gray, the Union soldiers of the Regiment stationed there assisted at his obsequies and he was buried with all the honors of a Mason. My going home over the desolate prairie through the snow and over the muddy roads by myself that night is impressed on my memory as the saddest hour of my life. The slaves were all gone. They had slipped away silently one night, taking everything with them. I well remember that instead of a hive of busy, happy people, the silence impressed me as I went to their quarters and found that on the plantation there was not a human being except my mother and the three children. They had gone with the Union army and a new element had, within the preceding three months, come to that community. A German element, who came in with the Union army, seeing the fine farms which belonged to the former prosperous southern community, took possession and ruled the neighborhood. They had practical possession of every farm and home and this brought about a reign of lawlessness.

When we look back on the memories of the Civil War and appreciate the law and order of today, it is

scarcely possible to believe the things of that day which we know to be facts. Terrorism absolutely controlled that country. It was on the borderland. Murder and robbery were twin companions. I remember that a man was killed in the lane near our house,—his head was cut off and placed on his breast, and his pocketbook was laid on his stomach. This was the country of Quantrell, William Anderson and Jesse James. Every man who was suspected of being a German was summarily dealt with, and about a week after the man was killed near our place, Quantrell and Anderson hung a Dutchman on a haystack just by our house. I will say that the hanging of a man on a haystack was done by hanging him to a leaning pole jutting from the center of the stack. It was prairie country and had not much timber. Whether or not he was a German was settled by making him pronounce "vinegar." If he called it "winegar," up he went. We were directly in the wake of "Order No. 11," and we reaped to the very depth of everything that the order meant. Our house was repeatedly robbed until we had neither food to eat nor covering to keep us from freezing. The last time the house was robbed we were all sleeping together in one bed, Mother and the three children. We had nothing but three carpets left to put over us during a howling winter. Every blanket and comfort had been taken. On that silent plantation there was nothing to eat, and oftentimes I have seen my mother take the bread from her plate and put it on the children's plate, that they might have sufficient, but she supported that privation like a Roman matron. I watched her when she did that and I ate nothing



MY GRANDFATHER, ALEXANDER MACCORMICK, CAPTAIN, U. S. A., WAR OF 1812

(From the painting by S. J. Smith.)

the air was redolent with the height and breadth of a varied and voluble profanity. Yet the moment her husband came back from the war she relapsed into the old softness and sweetness and showed all the evidence of a Christian spirit. I have not quite worked out in my mind how these changes were wrought in that gentle woman.

We lived on a neighboring farm and my mother literally gave her life for her children. In the midst of strangers, with none to advise her, with no money, she valiantly worked her way, and during all of that time without one complaint, she one way or another made a living for herself and for the children. I shall never forget her heroic attitude. We gave up the plantation and moved to Waverly. This was a Southern town garrisoned by Union troops. You understand we were on the border where the guerilla war was rampant, but in that town we were at least among people. The Union troops were there for a year after the war had ceased in other states. My mother opened a little millinery shop and I, although a mere child, went into a grocery store, and we kept the wolf from the door. The grocery stores in those days sold whiskey, and among my duties was the selling of whiskey, and for two years, child of eight though I was, I sold liquor in that grocery, but never a drop did I drink. My mother and I agreed sixty years ago that whiskey drinking was not the right thing for anyone. I believe that if I had arrived at the age of maturity while the system of slavery was in the land, I would have had anti-slave opinions, at least theoretically. What my opinions would have been if I had grown up with the system around me is another matter. I presume I would have gone along



MY MOTHER, MARY MORRISON MACCORKLE

(From an old daguerreotype.)

with my people and attempted to hold the system intact, and when the war came about, I would have done as my father and all of his people did—that is, defend the Southern position.

My father was a large slave-owner, as were all of his American ancestors. I myself, was a slave owner. The slavery that was in vogue in Virginia was somewhat different from that in the extreme Southern States. In those states the majority of slaves had been more lately brought from Africa, and they were considered more as chattels than they were in Virginia, where, generally speaking, they belonged to a higher class. In Virginia, slavery was a patriarchal proposition. The families were generally kept together, and the increase was by birth and not by purchase, and any slave-holder who sold the slaves away from their own families was not well considered. This was not the system of the extreme South. There the planters or the overseers attended the markets and slaves were sold in the market place to the highest bidder. As a matter of fact in Virginia and in Missouri and the upper South, people bought very few slaves in the markets, but the market system was used in the far South and a slave was sold as any other chattel, often without regard to his family relations. I lived in Missouri before and during the war, adjacent to a large slave-holding hemp plantation. The people who owned it were from Louisiana, and the extreme southern system was there in full working order. I used to look through the hedge which divided our plantation from its neighbor, and, as a child, saw the difference in the treatment of the slaves on the two properties. On the other plantation they had negro overseers.

Negro overseers were generally utilized by the extreme southern slave-owners and they were generally conceded to be more exacting and cruel than the white men. The overseers on the other plantation rode around on horseback and kept the slaves at work. They did this with a whip which was always in their hands. On my father's plantation no man was allowed to strike a slave, and I well remember the commotion that was raised on the place when Cunningham, the overseer in charge of all the slaves, whipped one of them.

The free negro occupied a very peculiar position. He was a man without a country. He was not respected by the slave owners, and he had no position with the slaves. He was called a "free negro," and I remember one being pointed out to me as a "free negro." They all looked on him with curiosity. In ninety-five cases out of a hundred the negroes were physically better off from a material standpoint on the plantations than when they were put in this class. I say they were better off materially—not theoretically. For the inestimable boon of freedom would have been worth far more than food and clothes and shelter.

On my father's plantation the patriarchal system was in full swing. The head of all the negroes was a man named Tom. He was known all over the plantation as "Daddy." The woman in charge of the women, the one who could speak with authority, was Easter, and she was "Mammy." I remember when my father had been away from home and returned, that it was Tom who came into his office and informed him about every detail relating to the plantation. He was the real boss, and without being an

overseer, he was really the authority, and my father trusted him implicitly.

So, with the women, Easter had unquestioned authority. She had more to do with me than anyone else, because her grandchildren were my playmates, and I owned two of them. They stayed with me and played with me and were part of my life, and to Easter was given my general supervision. Easter managed the women of the plantation with rather a vigorous hand. I remember she was a strong, yellow, white-haired woman, with a bandanna handkerchief around her head, with a splendid face, and with authority in every motion. As a matter of fact, there was a little jealousy between her and Alfred and Ann, who were the next in authority. Alfred and Ann were younger but they were somewhat dividing the authority with Tom and Easter, but Easter was the "Boss." She generally managed Tom, and Tom managed all the negroes on the place. Easter, as I say, had charge of me, and I spent much of my time in her quarters with her grandchildren. I remember very vividly one day after she had dressed me up in white to meet company who were to be there for dinner. I had gotten out in the duck pond with my two black partners. They had on only a shirt and I was elaborately dressed in white linen. We all three went into the pond up to our necks and spent in its muddy depths a most delightful hour. Easter found me with my two partners, and after spanking them, brought me to my mother. I remember the air with which she turned me over to Mother, saying, "Miss Hester, here is a boy I got out of the duck pond that I dressed awhile ago, and I believe he's kin to Ann's children." Ann was the

rival of Easter on the plantation and the tone of disparagement was to illustrate what Easter thought of Ann. "I think you had better send him out with Ann's children and let him stay with them. They are all the same color now." I remember it was a great sorrow to me to be spoken of in that manner by my "Mammy." She continued, "I don't want a little black boy like this in my quarters. You had better send him over there with them." The destruction of the white linen was small in comparison with my sorrow and regret at the loss of my "Mammy's" affections. While slavery was a beautiful system on my father's plantation, it seemed far less ideal on our neighbor's property, just across the hedge.

CHAPTER II

PARENTS

WE returned to the Valley of Virginia from whence I came and where I was born, and where my people had lived for two hundred years. It was not as beautiful and smiling in that year as it had been, for it had been the battlefield of the Confederacy and had been stormed by every great Union Commander. It was inhabited by the Scotch-Irish, a peculiar people. They have not been too well-treated by the book writers of New England, who sometimes seem to think this land was settled entirely by the Plymouth Rock immigrants. They do not always consider the immigration into the southern states and into Pennsylvania and New York, New Jersey and Delaware, and they forget seemingly that free institutions were promulgated in Virginia long before New England had considered them. Nor have the Scotch-Irish been treated fairly by the writers of Virginia, because there the writing has been done by those of the Tidewater and the James River Valley, who feel somewhat as did the Plymouth Rock folk. So there has never been written an adequate history of the Scotch-Irish of the Valley of Virginia; and as they are bone of my bone and flesh of my flesh and I want to talk briefly about them.

Says Bancroft, "The first voice publicly raised in

America to dissolve all connection with Great Britain came, not from the Puritans of New England, nor the Dutch of New York, nor the Planters of Virginia, but from the Scotch-Irish Presbyterians. '

"These people were unanimously for the Revolution. No Presbyterian minister or Scotch-Irishman was ever known to be a Tory. They occupied a different relationship to the English crown from any other people within the country. They had left their homes because of the oppression of the English government. Their fathers in Scotland had been burned at the stake for their religious principles and democratic thought, and their minds were hot against the oppression of the English nation. Their souls were seething with protest against the principles of the English nation of that day, and they were fundamentally opposed to the English theory of government. So they were the first and the most earnest in their efforts to absolutely sever the relations between England and America. In Pennsylvania, Virginia, New York, North and South Carolina, and in Georgia, they were the most aggressive in demanding freedom of principle and absolute political liberty."

In Virginia, says Mr. Bancroft, "the presbytery of Hanover took the lead for liberty, and demanded the abolition of the establishment of the Anglican Church and the civil equality of every denomination."

They practically took the power from the Quakers who controlled Pennsylvania, and who were non-combatants by principle, and assuming the reins of government, were the most potent influence in maintaining the aggressive position of Pennsylvania in that great contest. They were by far the most

intelligent and, excepting the Quakers, the most numerous of all the peoples of Pennsylvania.

In the Colonial wars their sect furnished the majority of the soldiers of Virginia.

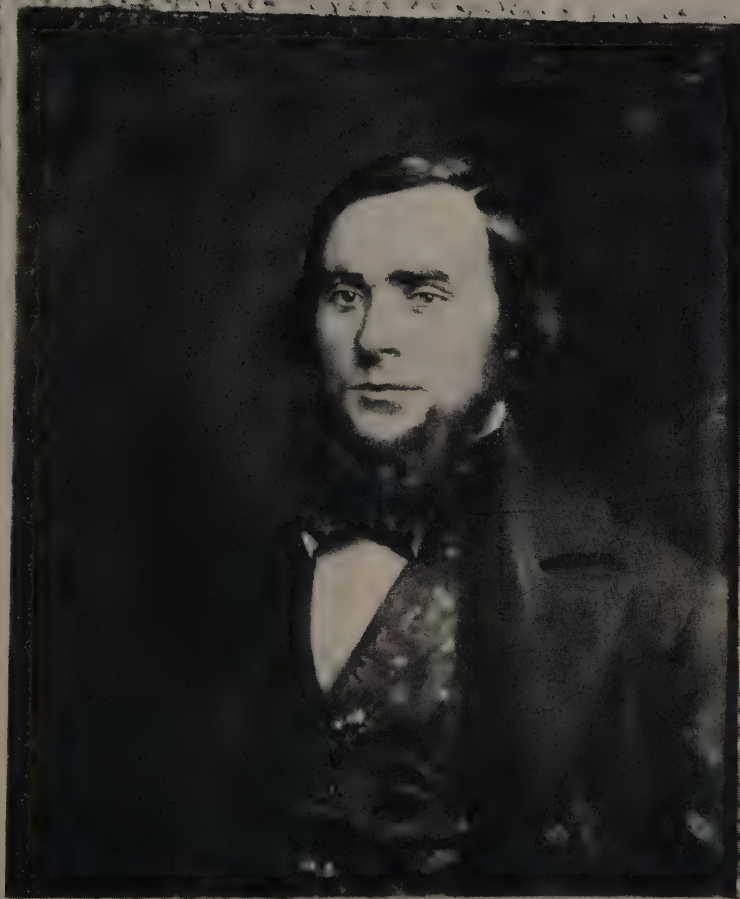
The Virginians of the seashore and the James River have received the largest portion of the historical credit, but the Scotch-Irish of the Valley of Virginia and of the Piedmont region were those who were more aggressive in Virginia for absolute separation from the mother country. They did little writing, it is true, but never did they cease contention for this great object of their fondest desires. The Cavaliers of Virginia were mostly of the Church of England. They were in direct connection and in close business and social communion with the people of England. They had been the first in the governing power of Virginia, and they were not filled with the intense feeling towards the English government which characterized the Scotch-Irish of the Valley and of the Piedmont. It was due to the Scotch-Irish members from the upper counties of Virginia that Patrick Henry was able to carry his resolutions, and they resolutely voted with Jefferson in his whole contest for political and religious freedom.

In the South they were a militant people, strong, earnest and active. They sprang from a nation of warriors, and they had kept the warrior spirit fully in their hearts, and, to a man, imbued with the spirit of freedom, they were in the heart of the Revolution. The Scotch-Irish almost entirely composed the men engaged in the Carolina campaigns.

The pivotal battle of King's Mountain was fought entirely with the Scotch-Irish soldiers. They were predominant at Guilford Court House and at the

Cowpens, and these battles were turning points of the War of the Revolution. I am reminded by an incident, related to me by a distinguished son of Virginia, and my kinsman, the Honorable William A. Anderson, of the patriotic spirit which animated our Scotch-Irish ancestors in the War of the Revolution:

Robert Anderson, the great-grandfather of William A. Anderson, landed in America in 1755. He moved to what was afterwards Bottetourt County. His sister, Catherine, married John McNutt. They had a son, who was an ensign in Captain Houston's company of volunteers from Rockbridge County, going to the relief of the Continental army in the Carolinas, then threatened with destruction. One of the daughters of John and Catherine McNutt married John MacCorkle, my great-grandfather, an officer in Captain Houston's company. In the fall of 1780 Captain Houston's company camped for a night not far from the home of Robert Anderson, who was the uncle by blood of Ensign McNutt, and by marriage of Lieutenant MacCorkle. These two young officers spent the night at the house of their uncle, Robert Anderson. William Anderson, only seventeen years old, a son of Robert Anderson, begged to be allowed to go when his kinsmen went to the war, and was refused by his parents, but two days after the departure of the Rockbridge company the consent was given, and taking his rifle and his powder-horn he struck out through a trackless wilderness alone to join his kinsmen and his country men in defense of his country's liberty. He was in the campaign of the Carolinas which retrieved the dying hopes of the American Army, and he was with my great-grandfather when the latter was killed at the



MY FATHER, WILLIAM MACCORKLE, MAJOR, C. S. A.

(From the painting at Sunrise.)

Battle of Cowpens. This is but an illustration of the patriotism which inflamed the very children of this great race of people.

These people were high-spirited, energetic, careful, loving principle as they loved life, pertinacious, thrifty, filled with the love of country, deeply imbued through centuries of oppression with the thought of civil and religious liberty. They were not able to build great cities on the sea coast and to send ships to the marts of the world. These fields of endeavor were occupied, but they resolutely turned their faces to the rich interior of America and undertook the greater task of subduing the Indian, laying low the forest, tilling the land and raising the home, erecting the church and the school, all under equal rights to every man. With them came the preacher, the log dwelling house was consecrated with the morning and the evening prayer, and amidst the leafy wilderness, in every family, there was the nucleus of a state holding all of the principles of civil and religious freedom.

I devote my brief space to the genius of the people rather than give the time to the great men who directly carried out the work. They were but typical of the life of the people, who furnished the character and the ideals for their work. Has that vigorous life-blood been impoverished by the passing of time? Has the character, the energy and the piety and the liberty-loving of the old life been lessened with the changing days? Twenty-eight great institutions of learning, more than one hundred of the lesser schools in the United States, the smiling farm, the happy home, the law and order of their communities, the splendid fruition of their men in every walk of life,

their energy and their success of accomplishment, their high ideals, attest the living vigor of the Scotch-Irish people. Let us look for a moment at their home life in this very heart of the home of the Scotch-Irish, and touch the personal element of their thought and life. In many quarters it has been the custom to speak of the life of the Scotch-Irishman as one procession of solemn men and prim women, with no laughter and no joy, and the Sunday a day of teachings of wrath. Allow me, springing from generations of Scotch-Irish, reared in a community where every neighbor was a Covenanter and a Scotch-Irishman, to enter the sacred portals of the home life of my people in this Valley as of sixty years ago. I have seen no change in the essentials of its life. It is today typical of our people.

The life of our family, a Scotch-Irish family began with the simple prayer in the morning, and the going down of the sun was sanctified by this same simple ceremony. The Sabbath day, as in every community blessed by the control of good citizenship, was the culmination of the week. It was not looked forward to with foreboding, as it has been the custom of those who know not our life to indicate. On Saturday the salt-rising bread was baked, the wood was chopped and carried to the house, the home was redolent of the hot iron pressing the clean clothes, the fodder and hay were brought to the stable so as to be easily reached on the Sabbath morn. On Saturday evening the delicious odor of the country ham being prepared for its readiness on the Sabbath day filled the whole house. The fowls were killed, dressed and laid away. The clean clothes were put out and the tubs of water were brought for the Saturday night's

bath, for, whilst a cleanly people, in those days, from the Peaks of Otter to the Massanutton Mountain there was not a bathtub in the Valley of Virginia. These people were a plenteous people in all that concerned their home life. On the Sabbath morning the fires were built, the morning prayers were had, a bountiful breakfast was laid upon the table and disposed of by a happy family. After the breakfast those who fed the stock and had completed their morning's work changed their working clothes, and every one, from grandfather to grandchild, the boys and girls riding their own well-groomed horses and the older ones traveling in the buggy, went to the church, and from grandfather to grandchild a happier, more joyful people never traveled the road leading from home to the tabernacle of God. Their laughter was as merry and bright as the rippling water of Kerr's Creek, and their thoughts were as pure and clean as the breezes blowing their way through the cedars lining its shores. The team were hitched in the grove, the people alighted, the women went into the church, the elders and the deacons assembled in session, and the men, gathering around under the shade of the trees, discussed the affairs of country life, the crops, neighborhood topics, the building of a new house in the community, and the thousand happenings which touched the life of the people of the country.

The coming of the minister was a pleasant occasion in the household. Will you pardon a personal allusion to the old life? I remember hearing my mother, who was Mary Morrison, speak of one of the greatest of the Presbyterian ministers and teachers, Dr. Henry Ruffner, the venerated President of Wash-

ington College, as a man filled with learning and crowned with a surpassing dignity. When he preached at New Monmouth he frequently stayed on Sunday night with my grandfather, William Morrison, who was an elder in the New Monmouth Church, and on Monday morning he went back to his duties at Lexington. He knew every person on the place, and was kindly in his touch with them. The children who sat at the table at the morning meal always watched him take the cakes from the plate with his hand without using the fork. This was a standing joke among the little ones at the end of the table, and in the absence of the venerated man they talked about it among themselves. One morning when the Doctor, as was usual with him, took the corn cakes from the plate with his fingers, there was an overflow of merriment which could not be repressed among the little people at the lower end of the board. Upon inquiry as to why there was so much fun, the truth leaked out, and this venerable man, filled with learning and dignity, the most respected man in the Valley of Virginia, enjoyed the little joke as heartily as did any of the children who sat around the board. He entered into the merriment with all the zest of a child.

I rejoice to write that among those peoples the old ideals are yet alive, the minister is still venerated, and the Sabbath day is yet a day of rest and worship. After observing, in an humble way, the forces of today, the diverse and variant conditions touching the life of this Republic, I plead for the Sabbath day of the Scotch-Irishman. No man raised to observe a Scotch-Irish Sabbath ever carried the red flag of anarchy, nor did treason to the Republic spring

from his lips or his heart. I plead for the day of rest of our people, where amidst the green oaks, in the house of God, is heard the words of the man of God, giving to his flock the reiterated command; "Remember the Sabbath Day to keep it holy." "Six days shalt thou work, but on the Sabbath day thou shalt rest. In earring time and in harvest thou shalt rest." "Six days shall work be done, but on the seventh there shall be to you a holy day, a Sabbath of rest to the Lord."

The homes of these people were homes of plenty, not wastefulness. Wherever I have seen them they were cultivated people, for wherever any community of them existed the school and the college rose next to the house of worship. There is not a large family holding the names of these people which has not sent one of its sons to some institution of learning. Their houses are filled with the substantial and beautiful things which adorn a house of plenty. In my wanderings to and fro over the earth I have in many climes and places looked on the beautiful things made for men of taste, but in my home the old clock which has rung the births, the deaths, the marriages, and has for one hundred and fifty years looked upon all of the changes of the day; the old candle stand; the book case; the corner cupboard; and the grandmother's chair; the high poster bed upon which I was born—all made by a Scotch-Irishman, and which adorned the house of my grandfather and his father and my father are as exquisitely carved and beautifully formed, and evidence as much taste as anything known to me in any place or any country.

The Scotch-Irish had built in the south and in this

country many institutions which were founded upon the principles which have made them a great and historic people. My Alma Mater, Washington & Lee University, has been recognized as more significant of their life and most typical of their principles and ideals than any institution created by them since they left Scotland. It was to that school that I, a country boy, without a dollar in my pocket, or any immediate prospect of a dollar, entered for my education. I told them I had no money but that if I lived would make it and pay it. They took the risk, and for four years I studied at that institution and never paid a dollar. I lived part of that time three miles from the College and part of the time five miles, and walked every day to its sessions. I had no money but I had a heroic and loving mother who kept me at the work by her encouragement and her sacrifice. Here was a school conducted upon honor, truly typical of the people who had created it. It was built upon the firm foundation of solid literature and evangelical piety. It had been in turn Augusta Academy, Liberty Hall, Washington Academy, Washington College, and Washington-Lee University, and it was typical not only of the Scotch-Irish, but of the South.

The thought of the founders of this school in Scotland, in Ireland, in this country, was for complete democracy of thought and life. All the early struggles of the Scotch-Irish people were directed to the true position of absolute equality among men. This school, in its one hundred and sixty years, in its democracy of thought and contact, has persevered in the teachings of the people who were its founders. There has been here no ruling or exclusive class,

as was the case in the New England schools, where the sons of fathers whose names were written in italics in the catalogues were the crowned aristocracy of the institutions. There has been here no extreme wealth to hurt and to destroy with its glamour the life of the institution. The majority of its students have been from the substantial class, which at all times has characterized the Scotch-Irish, the men who own their own land, however small in acres, and who live under their own roof tree, however humble. Men of average means have composed the great majority of the students of this university. It has been a democracy founded not on a long table of birth or on the possession of broad acres, but has been preëminently a school where worth controlled and where the uncrowned king was a man whose ability and character alone gave him his title. Judged by the criterion of popular success, its students have been successful beyond general comparison with the schools of this country. Compared with the other institutions of its class, Yale, Harvard, Princeton, Columbia and Pennsylvania, with whom it stands on an absolute equality as to high standards of teaching, it has had a relatively small number of students. While this is true, judged by the common criterion of success, its record is unexampled. It has been marvelous what this little university, having for the longest period of its life not more than three hundred students at a time, has been able to send forth to the world. As an illustration, in the World War, Washington and Lee University absolutely was prominent beyond any other institution in the United States. It will not be immodest to scan its record in the great conflict.

She furnished the Secretary of War, Ambassador to Great Britain, Ambassador to Italy, Justice of the Supreme Court, Solicitor General of the United States, Assistant Attorney General of the United States, two judges of the United States Food Administration, Joint Chairman of the National War Labor Board, Secretary of the National War Labor Board, Chief of Legal Division Bureau of War Risk Insurance, President of the American Section of the Interparliamentary Union, Chairman of the Senate Committee on Military Affairs, Chairman of the House Committee on Military Affairs, Chairman of the Senate Committee on Banking and Currency, Chairman of the Senate Committee on Mines and Mining, Chairman of the House Committee on Foreign Relations, General Counsel of the United States Food Administration, and a score of others of scarcely less importance. And this is the list in Washington City alone through only five years of the nation's history.

I have taken this space to discuss these things because, next in importance to the memory of my sainted and heroic mother, who worked with me and strived for me during all of those barren years, is this old institution. I worked on the farm and during four years I never spent a cent of money beyond the mere necessities of life. This institution allowed me, one whom the war had utterly destroyed, to be a student for four long years and never until I was able to pay asked me for one cent. Why should I not talk about it, when the sun has shone on me? Why should I not do my mite to preserve the memory of my Alma Mater? For, next to my mother, in those days, it was my best friend.

CHAPTER III

ANCESTRY

TEACHING SCHOOL IN WEST VIRGINIA. GOVERNOR
LETCHER. IMPRESSIONS OF THE STATE. WEST
VIRGINIA IN 1878.

It was by pure luck that I came to West Virginia. A lady had taught in the family of my mother, and one day, forty years afterwards, a man's wagon broke down in front of my house. He came in to get some tools to fix it. This brought about a conversation and we gave our names and it transpired he had married the lady who taught in my mother's family. He was invited to dinner as is the custom of our family. It happened he was a trustee of a school in Pocahontas County. It needed a teacher, and I needed the money, and he employed me then and there to teach. It was pure luck. I have found out that in life luck is an important factor. Some call it Providence, but I mean by luck that which comes without any trouble on your part, which you did not expect, and for which you did not pray. It comes by fortuitous circumstances. Much of success is due to pure unadulterated luck, almost as much as is due to ability. Many a man with equal ability has been left behind because he did not have luck. Many men

are unlucky. Yet while I believe in an over-ruling Providence, who directs all things, I think that luck, pure and simple, brought me to West Virginia.

So, in 1876, I taught school in Pocahontas County in this state. I lived there for a year, one of the happiest years of my life. I taught in the splendid old community of the Little Levels of Pocahontas County, one of the most beautiful sections of the earth. Just imagine it for a moment. A great sea of blue grass dotted with comfortable houses seated in groves of great trees, the fields filled with fat cattle and fine horses, all of this surrounded by a rim of beautiful mountains, and above them the azure of the bluest sky. The whole land was and is filled by people who still believe that all of this beauty was created by God. Contentment and happiness reigned here. From my teaching in Pocahontas I came back to Washington and Lee University and there took my law degree. Impecunious as I had been since my father's death, I came to Charleston without any arrangement for my living, except the determination to get along. I taught school for five months, giving the mornings to teaching and the evenings to the practice of the law. During the winter I slept on a bare table in a cold room, with the thorough understanding with myself that I would some day surely sleep on a good bed and in a warm room. After four or five months I began practicing law and devoted my whole time to it, and went in with another lawyer who had a bed. I remember well, and will remember until I die, the luxurious feeling of getting into a soft bed and sleeping all night. Before long I made a connection with W. E. Chilton, who like myself, was left impecunious by

the Civil War, and had started out school teaching until, by working at night, he received his license to practice law. Chilton's earthly possessions consisted of a bed, a box on which was a wash bowl and pitcher, a desk, and about a dozen books. This was a life saver for me.

This was continued until one evening a brother lawyer came in pretty well in his cups. He fell down on the bed and broke it to pieces, and then got up and fell on the box containing the wash bowl and pitcher, and broke them, and then tumbled over on the chair and demolished that, and in his wild gyrations caught hold of the curtain surrounding the bed and pulled that down, so in one fell swoop Chilton was in bankruptcy.

This arrangement was dissolved by my becoming a partner with the Hon. C. C. Watts and Chilton becoming a partner of Senator John E. Kenna. I continued with varied success in the practice of law. After I left the governorship, I formed with W. E. Chilton and J. E. Chilton the firm of Chilton, MacCorkle and Chilton, which continued until the last few years.

In 1881 I married Belle F. Goshorn, a member of one of the old families of Charleston, and lineal descendant of the Daggett who came over in the Mayflower. From that happy union I have only a son remaining, William Goshorn MacCorkle. My son has four living children, Eliza Daggett, Margaret Lyle, Samuel, and Torquil, who are the sunshine of my life. My wife, after bearing with all of my shortcomings for forty-five years, has gone over to the other side, and within the last few months, my dear daughter Isabel, who was my joy and my help, has

followed her. Thus, after half a century of striving and working, I am living at Sunrise, alone. It is the way of the world, to live and work, and in the end, to be as we started out.

My wife was a quiet, Christian character, and exerted a vast influence on my life. She did not like crowds nor politics. I loved both, and for her love for me she bore with the crowds and with the politics. As I look back on my life and think of the ones who have influenced my actions in greater degree than others, I am conscious that to my wife and to my mother, I owe more than all the world beside.

My first impressions of the people of West Virginia came from my work as a school teacher. My first thought of the Bar of which I was to be a member was primarily derived from Governor John Letcher, the war governor of Virginia. His experience as a member of Congress and as governor of Virginia and a lawyer in great practice had been extensive and his knowledge and acquaintance with men was far reaching. Once when I was in his office at Lexington, Virginia, he asked me what I was going to do; I answered that I intended to practice law. He asked where, and I told him that my thought was to go to West Virginia, to Charleston. He said, "You will go among the strongest lawyers in the United States." He further remarked, "I have met in Congress and in the higher courts of the United States the best lawyers in this country, and I say without any question that the ablest lawyers I have known came from Western Virginia. After an acquaintance with the lawyers of this country for more than half a century, and after having known Mr. Calhoun, Mr. Clay and Mr. Webster, I believe beyond question the greatest pure



MY WIFE, BELLE F. MACCORKLE

(From an old photograph.)

lawyer I have ever known was Philip Doddridge, from Brooke County. Mr. Webster once remarked that Philip Doddridge was the only lawyer he ever saw whom he feared.

I am sure that the most eloquent man and certainly the best advocate in all of my experience was George W. Summers, of Kanawha. I believe that Summers next to Patrick Henry and possibly one or two others, was one of the best speakers that Virginia has ever produced. After having heard all of the great orators of America, and after having met them on the stump, in Congress, at the Bar, and after having weighed their greatest efforts, I think that George W. Summers' speech in the Virginia Convention of 1850 was as inspired as any to which I ever listened. "The Bar of Kanawha always has been strong. The land lawyers are unquestionably the best in Virginia." This was encomium indeed from one of the masters.

The West Virginia country to which my steps were turned was a land that always had about it a halo of romance and mystery. In the old days to those "going west" from North and South Carolina, Maryland, Eastern Pennsylvania and Virginia, it was the last touch of civilization. To us in Virginia, it was the land toward the setting sun, and from the pass on the mountain at White Sulphur, the people "going west" looked their last upon the known land. From the Valley of Virginia side the waters ran into the Atlantic; over on the western slope of the mountains they ran into the Gulf of Mexico and through an unknown land.

As I say, there was always a glamour about this land. It was in the mountains, and there is always a

mystery about the mountains. At home in the days when the children listened to the stories in the negro quarters after the setting of the sun, many of these stories were about the things "over the mountain" in the west. Again, in the deep shadows of the mountains, by their clear streams and in the mists arising from the valleys, covering dimly the way, there is something indefinable and evanescent which is not present in the lowlands.

This was the hunting country of the Indians and over the mountains from the valleys towards the west, they came in their raids on the Valley of Virginia. It was a land filled with the remains of ancient peoples and full of strange traditions. Great mounds, raised by dead and unknown hands, filled the valleys, where they remain today. The river lands and the lowlands are strewn with arrows and tomahawks and filled with graveyards of the peoples long dead and gone. Strange walls, made of broken stones, run along the tops of the mountains, and strange figures are painted on the rocks. It seems to have been a land, not of inhabited people, but rather of hunting and worship and burial.

In the old days, the life of the country added additional glamour and covered it with a veil of interest. The greatest battle of the Indians against the encroaching civilization and power of the whites took place in the Kanawha Valley. Daniel Boone represented Kanawha County in the Legislature. The land had echoed to the thunderous footsteps of the Father of his Country, and after awhile, when it filled up with the great salt industries, the minds of those in the East were filled with the wonder of its great fortunes, for its great wealth was realized and an



CLAY COUNTY CLERK'S OFFICE—1880—AND A. J. STEPHENSON, CLERK

enormous industry was created, almost national in its importance, which had for its market the West and reached as far as the last flood of the Mississippi River.

The river lands and the rich agricultural sections of Kanawha, Greenbrier, Monroe, Cabell, Mason, Mercer, Putnam, Jackson, Roane, Raleigh and Nicholas Counties were tilled by an industrious and energetic people, yet save for a few towns and court houses, the vast forests of this section heard only the sigh of the mountain winds and the murmur of the pellucid streams on their way to mingle with the Kanawha and the Ohio.

It was a fair land, embowered in wonderful forests and just beginning to be touched by the steps of progress. Today, with the sound of the axe in the forest, with the whirl of the saw in the valleys, with railroads, mines, mills and manufactories echoing to the laughter of children at their play and pulsating with the life of the people at their contented labor, it is still a wonderful and beautiful region. After nearly fifty years within its mountains, with their shadows beginning to fall a little long in my pathway, to me there is the same glamour and mystery, the same romance and sweetness as of old.

The heart and center of this great region was Charleston, an old-fashioned town on the banks of the Kanawha. It had been on the outside line toward the far West for many years, and it had witnessed all of the scenes incident to its situation. It had always been a disputed land between the Indians and the whites, and was the region to which Washington referred when he said that if all were lost, he would take the banner of freedom to the moun-

tains of West Augusta and there contend for our liberty. It was the contested land between the North and the South on the western line in the War of 1860. In these mountains Rosecrans and Robert E. Lee contended for the mastery, and here lay the line of march again and again of the Blue and the Gray. It has always been a disputed land.

Let us glance at the vast region the lives of whose lawyers will be the principal subject of our cursory view. We will see as marvelous a change in its material life as time has wrought in its personal equation. By the "old Bar of Southern West Virginia" I mean the Bar after the war, the Bar of about 1875. These men were those who had either been active in the Civil War, or who were its resultant. A vast change has taken place in this region since I came to West Virginia. The Chesapeake & Ohio Railroad was the only railroad that passed through this naturally rich section. From the counties of Nicholas, Fayette, Roane, Clay and Jackson on the north, to the Virginia and Kentucky line, with the exception of the Chesapeake & Ohio Railroad, no locomotive bell sounded in this vast region. The New York Central Railroad was not yet built, and to go to Point Pleasant you went by horseback or buggy, or you got on the steam-boat at four o'clock in the morning and traveled all day, arriving at night. If you were lucky, you transacted your business that night and were back the next evening. It generally took three days to go and return from Kanawha to Putnam and Mason Counties.

The Coal River Railroad was not yet built. Boone County, with all of its wealth, was silent and only here and there was a little store and, at the Court

House there were only ten or fifteen houses. The Coal and Coke Railroad, now the Baltimore & Ohio Railroad, was not constructed up the Elk Valley and I remember when the first wheeled vehicle was driven into Clay Court House by Senator John Kenna in his political campaign of 1880. I was the first who went to Clay Court House and returned in one day. I did that by taking the locomotive and a hand car for part of the way and a horse for the rest of the distance, arriving at home on the same day. Before that it took three days of hard travel.

The Piny River road was not yet constructed and Raleigh County was as far off as any city in the United States east of the Mississippi River. To journey to Raleigh and return occupied four days and even then you were uncertain whether you would get back. The Virginian Railroad had not been constructed and Mercer County was an unknown region, for fertile and populous as it was in those days, it was almost impossible of access from Charleston.

McDowell was further away than any of the counties. It took seven days to get the returns of the election from McDowell County and there were only about four hundred voters in the county. So it was with Logan, then a populous county, yet it was most inaccessible.

The Ohio River Railroad was afterwards constructed here, thus opening up the Ohio River side, Jackson, Roane, Mason, Cabell and Wayne Counties.

The Guyandotte road had not yet been built, so it required four hard days to get to Logan and back and transact any business. To reach Cincinnati you had to go through Central Kentucky, and the

quickest method of reaching Pittsburgh was by an Ohio River steamboat. The Norfolk and Western Railroad, with its vast improvement, had not penetrated this land.

When we see the wonderful development of this great region, the scene of our reminiscences, it seems almost unbelievable to think that it then lived in the unbroken shadow of its forests and beside the murmur of quiet and untroubled rivers.

The Kanawha was not bridged and the method of crossing it at Charleston was by a ferry boat. The Cabin Creek and Paint Creek valleys were wildernesses of tall timber and their vast resources of timber and oil and coal were untouched. So the region that I have mentioned was primitive in every other way. The roads were simply impassable in the winter. The lawyers who braved the circuit from December until March were compelled to be as expert in wiring up with haywire, or mending a buggy, or in caring for a horse, as they were skilled in the knowledge of the law. Generally the roads were along the creek bottoms with the creeks flowing over them, and were covered with the ice and snow of the winter. When you arrived at the Court House it was generally to meet an enormous crowd, for all came to court. With buildings inadequately heated with stoves, the people immediately in front were burned, and those further back were frozen. The business offices were generally small and inadequate.

The Court House of Kanawha County was a fair example of the public buildings of West Virginia. It was a two-story brick structure of about fifty feet square, with a cupola on top, and two windows on each side. The jury rooms were on the second



THE OLD COURT HOUSE OF KANAWHA COUNTY

floor, with no sanitation or ventilation and no heating except two big stoves. The main floor was built right on the ground. Built in 1818, it was a historic building and had been the scene of some of the greatest political discussions of Western Virginia political life and though it had witnessed the most celebrated trials both civil and criminal, still it was dreadfully unsanitary. So much so, that Mr. James F. Brown and I conceived the idea of tearing it down and building a new Court House. Of course, this brought about a great controversy. One late afternoon in the year 1892, Mr. Brown and I obtained an order from the County Court allowing the building to be destroyed and ordering that the Court should be held in the City Hall. That night we obtained the help of Ernest Porterfield, a colored house mover, and as the work was not proceeding very rapidly, Mr. Brown and I personally took charge of it in the early morning and before Mr. Mollohan could get an injunction perfected preventing us from destroying the building, we had pulled it down. Afterwards the present splendid structure was erected.

This is fairly indicative of the general class of public buildings in the Circuit. The lawyers who occupy the splendid and comfortable buildings of the present day in this region do not appreciate what the lawyers of forty or fifty years ago had to undergo in the trial of cases and the transaction of business in the Court Houses of that day.

CHAPTER IV

EARLY LIFE

JUDGE JOE SMITH, W. A. QUARRIER, E. B. KNIGHT

AT the time of which I write the Kanawha Bar was the most important in the State. All of the lawyers of the State at one time or another came to it. This Bar, by reason of its character and skill, held the practice of this Southern District.

When I entered the Court House of Kanawha County, I was struck with the personnel of the Court. I had known the Circuit Courts of the Valley of Virginia, with their austerity of manner and dignity of behavior, and expected similar conditions in West Virginia. The Circuit Court was in session. The Judge in appearance was most striking. He was about five feet eight and one-half inches in height, with an enormous Falstaffian stomach and an iron grey beard which was about three inches in length and surrounded a most determined face. The top of his head was bald, his hair hung around it in a fringe. He had deep set blue eyes, a square jaw, a strong heavy neck and a deep voice. He was attired very strangely for one occupying that great place, having on a brown flannel shirt, a coat slick with wear, woolen socks, and heavy brogan shoes enclosing feet which were placed on the pedestal in front of him. This was the Hon. Joseph Smith, the judge

of the Circuit Court, familiarly known as "Old Joe." He was a very unusual man in many respects. He was not learned in the English,—as a matter of fact, he did not spell correctly and he wrote a strange and almost undecipherable hand. In a statement of four lines which I have before me wherein he refused a motion for a retrial, out of fifteen or eighteen words, nearly one-half of them were mis-spelled. Withal, while not a learned lawyer, he had the ability to dive at the very heart of the case and to grasp the real life of a lawsuit. He had gone into the campaign independently and free handed, and by reason of the fact that he was a Southern sympathizer had beaten the popular candidate. He was a tremendous advocate in criminal cases and this reputation gave him his chance for election to the bench. An able lawyer told me that he heard Judge Smith argue a murder case for three hours before a jury, and, while at times it was filled with strange statements and ungrammatical expressions, that, taking it all in all, it was one of the strongest criminal arguments he ever heard. Judge Smith was *sui generis* as a circuit judge.

He had been reared in the country and was accustomed to practice the maxim of early to bed and early to rise. He went to bed at dusk and got up when the morning stars were singing together. Upon taking his seat on the bench at the first term held by him in Kanawha County he addressed the Bar, all of its members being present, as follows:

"Gentlemen of the Bar, I see that there are nearly six hundred cases on our chancery docket, and about the same number on the law docket. It is my intention to clean up these dockets at the present

term, and therefore we will begin the court at eight o'clock in the morning, take an hour for dinner, hold until six P.M. and return at early candle light and work until bedtime."

Consternation prevailed. The Bar simply resolved that it should not and could not be done, and they just struck. The next morning the Judge was all alone in the court room from eight until nine o'clock, and so it continued to be the case day after day until he gave in and fell into the former method of running the court. He was strange in his manner of expression. He cared nothing about conventionalities.

I have seen him sit on the bench and trim his beard with a pair of scissors which he took from his pocket while an argument was going on before him. I heard him from the Bench address as "Jim," Judge James H. Brown, one of the most venerable and dignified men I have ever known.

I was sitting beside him one day whilst a very studied lawyer was making a long boresome speech, and as he listened to the weary argument, he wrote on a paper many times the statement, "Lawyers are boars; lawyers are boars; and ——— (naming the gentleman who was addressing the Court) is the greatest boar of all."

He was once holding court in Point Pleasant. There were before him, and opposed, a young man but recently admitted to the Bar, and Judge R. S. Brown, who had a most biting tongue, an old and able attorney. Judge Brown made fun of what he claimed was a mistake in the pleading of the younger man who retorted vehemently, and disrespectfully, considering the disparity of years between the two.

Judge Smith said to the young lawyer, "See here, young fellow, you ought not to speak to Judge Brown in that way. He is a much older man than you." "I understand that, sir," replied the young man, "but he ought not to laugh at what he claims is a mistake of mine. Doubtless he has made them himself. I don't wish to be laughed at by him or anyone else." "Now, young fellow," said Judge Smith, "you will never make that mistake again. Once when I was a young man like you I had occasion to use the word 'kitchen' in a plea I had prepared, and I put a 't' in it, and they laughed at me about it, and I never made that mistake again."

Anecdotes of his spelling were legion. Among others was one telling how some one, writing a sign in front of a store door, put "Meet to sell" on the board. The Judge remarked as he passed by that "Jim never did know how to spell," and stooping down picked up the chalk and added an *e* after the *t*, making "meete" the judicial method of spelling meat.

At one time in the history of the state, Governor John J. Jacobs had been enjoined from removing the archives of the State from Charleston to Wheeling in obedience to the Legislature Act changing the seat of government from the former to the latter city. Governor Jacobs, giving greater heed to the Legislature than to the courts, proceeded to disobey the injunction. A rule was asked for in Judge Smith's court, that the Governor should appear and show cause, &c. This Judge Smith was reluctant to grant against the Chief Executive, so he wrote the latter a very courteous note requesting his appearance without the service of the rule. Mr. Joseph Ruffner was appointed the messenger to deliver the

note. "I had reached the outside of the Court House yard when I was called back by Mr. John Dryden, Clerk of the Court, who took me into the Clerk's office and proceeded to re-write the message, but using the exact language of the court. There were many mis-spelled words in the original which were corrected, but the most glaring mistake was in the way the Judge had spelled "few." He had it "fiew," says Mr. Ruffner.

Judge Smith, when aroused, was the fiercest man that I ever listened to on the bench. With his eye gleaming and with his face stirred to deepest expression, he seemed to be forcefulness personified. I remember that in the case of the State versus McDaniels, after McDaniels had been convicted of attempted murder and was being sentenced, the judge delivered one of his most terrible charges. The facts were, that in a large boat McDaniels had tried to run down a number of women and children who were crossing the river from church. I never listened to a more terrible arraignment of a human being.

I once saw the tables turned upon him. A man had been convicted for some crime which I have now forgotten, and after he had been sentenced to the heaviest punishment, he asked permission to say a word, which was granted. He began calling the judge every foul and unwholesome epithet known to the English language. He lambasted the Court for ten minutes before the officers were able to stop him. He said everything about the Court that could be said. The judge waited until he was through and then gave the prisoner a little discussion from his side of the case and ended by telling him that his only regret was that he could not send him, the prisoner,

to the penitentiary for life or hang him. The latter was taken out of the Court House telling to the world in the most voluble and forceful manner his opinion of the judge of the Circuit Court. I was never able to tell who had the better of the controversy.

I once heard Judge Smith discuss the vagrancy law before the grand jury. Among other things he said, "Gentlemen, you will go along through the mountains and the cross-roads, at the saw-mills, and the stores, and you will find the fellow with the high topped red and yellow boots, with a ribbon in his coat and his hair brushed back slick with bears' grease whittling, and you will ask him what he is doing and he will say he is just knocking around. Gentlemen, when you see any of those fellows just bring them up before me. I want to find out what he means by just 'knocking around' and I bet you will find a pistol on him two feet long."

Judge Smith had an altogether different way of doing things from anyone else and he said things in a different manner from any one else. On one occasion the ladies got after him about the habit of the men coming to the Court House and hitching their horses to the beautiful shade trees and destroying them. He told the ladies to come around to the court house the next morning, and when they did, he gave them and the grand jury a full talk on all the laws, mentioning a catalogue of crimes and proceeding to the discussion of the destruction of the beautiful shade trees that kept off the heat of the summer sun and protected people from the wind. He then dwelt upon the sentimental side of the matter, and told about the men hitching their horses to the trees

and destroying them. He wound up with the proposition that "There are certain men who would ride a jack-ass through the Garden of Eden and hitch it to the tree of knowledge and expect the angels of the Lord to look after it while they themselves went off and got drunk."

Of course, with a distinguished Bar and a judge who cared nothing for conventionalities and knew nothing of traditions, strange things were bound to happen. I remember one day that there was being argued before Judge Smith a chancery cause with Mr. Evans Doddridge for the defendant. Judge Smith placed his feet on the desk on a level with his head so that Mr. Doddridge, who was addressing him from the Bar, could only see the soles of his brogans. Mr. Doddridge, who was filled with sarcasm, and who did not like Judge Smith, anyway, stopped and made a courtly bow, remarking: "May it please the Court, which end of the Court am I addressing?" The Judge replied, "Either eend, Doddridge, either eend." Mr. Doddridge, with another bow, remarked, "Yes, sir, and permit me to say that there is just as much law in one 'eend' as there is in the other." It never phased the old fellow. He replied, "That is just a question of judgement, Doddridge, and you are just as able to convince one eend as the other."

With all of this fierce manner, however, Judge Smith was a kindly man and an honest and good lawyer. He did not exactly carry out the great traditions of the Kanawha Bar, but he was upright and able. His eccentricities will linger long among our traditions.

When I came to this Bar in 1878, the country

was not as it is at present—filled with new people, new ideas, and with new conditions touching our life. Charleston was a conservative old aristocratic town on the Kanawha River, inhabited largely by one class of people. The litigation at the Bar of Kanawha largely arose from the settlement of the land titles and much of it had its source in the lumber business which was most important in this section, litigation arose from the salt furnaces as well. The controversies from contracts about coal mining were just coming to the attention of the court. The state was then flooded with false land titles which had been purchased for a song by many people throughout the north. The famous King land litigation was just then coming to the surface. The writer was, I think, the first to report against the King land titles which were founded on old Virginia grants.

The period was peculiar to the Bar for another reason. Just at this time occurred the greatest encroachments of the Federal Courts upon the state jurisdictions. It was almost a matter of course that cases could be removed from the state court to the Federal Court. It was a rarity that a case was remanded from the Federal Court. The marshal of the Federal Court was decidedly the most powerful official in the state. He and his deputies ravaged the land from the Potomac to the Ohio. I remember well when a deputy marshal acted as a Federal Commissioner, both arresting and trying persons, and in 1880, at one session of the Federal Court there were nine hundred and seventy-two indictments. The Federal Court thus had absorbed a great amount of the business at the Bar. It was not until later that John Randolph Tucker, as chairman

of the Judiciary Committee of the House was able to draft and have passed through Congress a law restricting the powers of the Federal Courts and taking away from the marshals their right to interfere with the local affairs of the state.

Charleston, Parkersburg, Clarksburg, Martinsburg and Wheeling were the seats of the Federal Courts in West Virginia. This practically placed all of the Federal causes in Southern West Virginia for trial in Charleston. The Supreme Court of the state and the Circuit Court sat at Charleston, and of course the local County Courts held their sessions at the Court House. The County Courts were then under the constitution of 1872, and consisted of a judge of the County Court and two Justices of the Peace assisting him, the latter being chosen in rotation from the districts. If my recollection serves me rightly, the County Court was limited to suits of five hundred dollars in amount. In addition, the litigation concerning the collection of all moneys for the state by suit was at Charleston. This brought about an immense legal business as compared with the size of the city and thus the lawyers throughout the state at times assembled there. The Kanawha Circuit at that time, I believe, consisted of Jackson, Roane, Mason, Putnam and Kanawha Counties. I am convinced, after nearly fifty years of active intercourse with the lawyers of this country, that the statement of Governor Letcher was fully borne out and that the leaders of this Bar at that time were among the ablest lawyers in the United States. I say this after having been acquainted with many of the distinguished lawyers in America.

The most learned common law lawyer that I have

ever known was William A. Quarrier of the Kanawha Bar. He was the greatest master of common law pleading of his day either in Virginia or West Virginia. Judge Robertson of Charlottesville, himself a great lawyer and master of the common law pleading, who had argued in the Supreme Court of the United States some of the most important cases of the day, said to me, after hearing a discussion of Mr. Quarrier's on a question of pleading, that he had no question but that as a common law pleader Mr. Quarrier was without peer in Virginia or West Virginia and perhaps in the country at large. Mr. Quarrier knew by heart Robertson's Forms and Practice. He regarded a statute of Jeofails, or any curative statute as treason, and in his emphatic way would frequently remark when he ran across a statute curing bad pleading or modifying the common law forms, "The Bar has gotten very lazy, very lazy. They don't know how to plead and they pass laws so they don't have to learn." When anyone had a case opposed to Mr. Quarrier, every *t* must be crossed and every *i* dotted, or out of court he would go. He was filled with demurrers and pleas and motions to quash, and rebutters and surrebutters were the closest of his friends. With an analytical mind, such as I have known in very few men, with a knowledge of every statute and every rule, and able to give the reason therefor and the history thereof on a question of pleading, he was well-nigh invincible. There was scarcely any plea about which he could not raise a doubt. Hence largely through him there had been brought about at the Bar a high degree of care and skill in the domain of practice and pleading.

Mr. Quarrier was an absolutely fearless man in the practice of his profession. While respecting the Court, he stated his position ably and fearlessly, whatever might be the former's opinion. I remember one day in a very heated argument before the Federal Judge upon a motion to remand the case, when the judge refused to remand to the state court and at the time made some observations which seemed to imply that he would look kindly upon the breaking down of the state lines and would welcome the nationalization of the states, Mr. Quarrier, quickly resenting such an opinion, replied: "If your Honor holds such views, you are an enemy to the Republic and should not be allowed to occupy your high place."

He was very apt and quick at retort and highly enjoyed a tilt with Mr. Mollohan. One day when he and Mr. Mollohan were having a vigorous contest at the Bar, Mr. Mollohan made the statement of the law and said, "May it please your Honor, Mr. Quarrier knew that was the law before he went to the law school of the University of Virginia." Mr. Quarrier, quickly retorted, "Yes, but I did not know it when I came back." I was tickled at him one day for hitting at Mr. Mollohan, who was always exact. I went into his office and asked him about a certain principle about which I was in doubt. Mr. Mollohan was sitting with him. Mr. Quarrier gave me the law and Mr. Mollohan added, "You will find it set out on a certain page in such and such a report." "Yes," Mr. Quarrier remarked, "that is the difference between Mollohan and me. I know the principle and Mollohan knows the page."

When I first came to the Bar in a case where we

were opposing counsel, I was struck with Mr. Quarrier's quickness and readiness to take advantage of a situation. The Mayor of the city did things with rather a strong hand and about as he pleased. He was a very vigorous man, with no learning and a great deal of energy, and the first manager of machine politics that I had ever met. He ran things to suit himself. He was the trial judge as well as the Mayor and all cases of infraction of the city ordinances came before him. I remember his statement to prisoners when they were charged with a certain class of offense, "You are charged with tanting, reviling and approbrious language, what say you!" Of course, many people liked, and many people opposed, that kind of a man, and when impeachment proceedings were attempted against him, they were of interest to the whole city.

As is the case with most young lawyers, when I was asked to take part in his impeachment, I seized on the opportunity with a good deal of avidity. My co-counsel was Romeo H. Freer, a very bright lawyer who afterwards filled many distinguished positions, among them congressman, judge of the circuit court and attorney general. He and I were for the petitioners, and Mr. Quarrier and Mr. Mollohan were for the respondent.

The trial was before the Council, which consisted of nine men. It had continued for two days and every man in town was there. The utmost excitement prevailed. Five councilmen were commonly reported as well rounded up for conviction, as in that class of case much depends upon personal feeling. One of the five was an exceedingly dressy man and had things in perfect taste about his person. It was

in the day when we used lanterns in the city. If you went up on a hill and looked down into Charleston, it would be filled with twinkling lanterns like moving stars over the town. Everyone had his lantern, for if you stepped off the sidewalk you stepped into an illimitable morass. The councilman in question had just come from Cincinnati and his friends there had given him a most beautiful lantern. It was silver-plated, with his name engraved on the glass, and the lower part of the light was white and the upper part red. It was a magnificent lantern. He showed it with infinite gusto and glee to the council and to the members of the bar who sat within the railing. It was the apple of his eye,—the idol of his heart. He put it down near his feet under the table with light burning, and occasionally looked at it. This councilman had been persuaded to cast his vote for conviction on an understanding that he himself was to replace the Mayor in office if the case happened to be completed by his vote. Such, I understand was the situation. The principal proponent of the specifications in the Council and the active man in the prosecuting was Bob Carr. The trial had proceeded with infinite variation until twelve o'clock on the night of which I am speaking. Several clashes were had in the Council Room and the excitement became more intense. The argument for the prosecution was made by myself and that for the defense by Mr. Quarrier. Bob Carr, by the way, chewed tobacco in immense quantities and expectorated lavishly wherever it was convenient. The councilman's lantern was under the table, and Bob was among those who were displeased with his over-display. He made some remarks to that effect. During the

evening Bob had chewed a great deal of tobacco and for the purpose of getting even with the councilman's over-display of the lantern he had surreptitiously aimed his whole supply of tobacco juice at it. Well, the struggle went on to midnight and then it came to a climax and was down to the vote on the specifications of impeachment. The votes had gone as were expected, four to four, and the deciding vote was the councilman with the lantern. Just as the Secretary got to this man's name, by ill luck, he looked under the table and brought the lantern out. It was a sight for the gods. The white and red lights were intermingled, they could not be seen,—the handle was covered and the name obliterated,—all from Bob's vigorous expectorations. The owner held it up with a thumb and forefinger in full view of the council and lawyers, amidst the most intense silence (because everybody knew his vote would settle matters) and asked in a stentorian voice: "Who spit on my lantern?" Mr. Quarrier, who recognized the importance of the vote, and who had silently witnessed the direction of Bob Carr's expectorations answered, in a loud voice, "Bob Carr," so the councilman promptly voted "no" and defeated the impeachment proceedings.

That trial resulted in one of the biggest riots I ever saw, in which the writer and the defendant were badly mixed. Bob Carr and two or three policemen and a dozen citizens and I were tied up in a fierce *mélée*, the like of which I have never since witnessed, but Quarrier had made his point.

Mr. Quarrier was not alone a technical lawyer. He was a master of the English common law in all of its branches. He seldom essayed an argument before

a jury. That was not his forte. He was too analytical for the ordinary jury. The general thought was that with this trend of mind he could not be eloquent. It is true he did not care for the popular branch of practice. His domain was convincing the Court but when he desired, he was enormously forceful and able before a jury. I remember one case in which he was pushed to the exercise of all the ability that he possessed by William H. Hogeman. He went through from declaration and plea, to argument to the jury in a most masterly and eloquent manner. I think that his peroration before the jury in the case of Capellar versus the Queen Insurance was one of the most eloquent I ever heard at this court. He was an impressive man anywhere—six feet three inches tall, straight as an arrow, immaculate in his dress, erect in his walk, concise and vigorous in his language, analytical in every thought, a great lover of books, and in the face of a seeming austerity, one of the sweetest men I have ever known. Younger members of the Bar, when they understood him, appreciated his open-handedness and kindness of heart, and when they were in trouble, none ever felt that he would not receive from Mr. Quarrier the best advice and kindest sympathy. It was not until the latter days of his life that the people began really to understand him. He met people on the street face to face and never pretended to speak to them. I have met him many times and he never looked at me. The general idea at first was that he did not care to trouble himself about people. That was not the case. It was because of his absorption in whatever he was considering. In later days, when men understood him

he became very popular. There was scarcely any case of importance in this section in which he was not concerned. He was an indefatigable worker and had marvelous concentration.

I endeavored to persuade Mr. Quarrier to write a book on practice and pleading. He had considered it to some extent and said that some day he would do so, but he was always waiting for that quiet time which never comes in a lawyer's life, and he died taking with him his great common law learning and experience which would have illuminated the pages of the law and been of inestimable assistance to those who came after.

Mr. Edward B. Knight, who contested with Mr. Quarrier for the leadership at the Bar, was in many ways a different type. He was a very learned lawyer, but had developed more of business acumen than Mr. Quarrier. He was a great contract lawyer, and in taking a contract from its inception to its final settlement in the Supreme Court of Appeals, he was superior to anyone at the Bar. He was thorough in his preparation of a case. He could completely concentrate his mind upon anything he was considering. I do not believe that Mr. Knight could argue a case unless he had it in absolute sequence. His was an orderly mind. He had not delved to the depths of the law of pleading and practice to the same extent as had Mr. Quarrier, still there was no one at the Bar excepting Mr. Quarrier equal to him in his knowledge of that branch of the profession. I have heard that Mr. James Henry Nash in the preparation of court papers more nearly approached Mr. Quarrier, and that of all the Bar, Mr. Quarrier feared Mr. Nash.

Mr. Nash died just before I came to the Bar and occasionally I met the proceedings in which he had figured. His law papers were wonderful types of clean, clear pleading. While Mr. Knight did not possess this deep knowledge of that branch of the law, he was a very able and learned pleader. His great forte, however, was in the general trial of a case. In the examination of witnesses he had very few equals. I remember well that he frequently repeated the last words of the witness and when the witness answered, he used the expression "Aha! Aha!" The combination of great knowledge of practice and pleading, ability to cross-examine, splendid oratorical abilities, and great experience as a trial lawyer, made him dangerous in any class of case. He was most impressive in argument, and his ability of statement was wonderful. He was a man of striking appearance, with a large, powerful head, with strong mouth and expressive eyes. He never moved from his position when addressing the jury and his only gesture was with his right hand, and when standing before the jury he was as dangerous as a two-edged sword. He never overstated the testimony yet to the very full he got it before the jury. He had a splendid voice, deep and musical, with his mind full of the knowledge of the law, understanding its reason, and with a tremendous memory for evidence, he poured forth to a jury a great stream holding in it all the wisdom of the cause.

I am somewhat experienced in after-dinner speeches, having heard and made many of them all over the United States, but I believe that Mr. Knight's speech before the Middle Western Editorial

Association was one of the finest after-dinner speeches I ever heard. He was always full of anecdote, and all pertinent stories and applications of fact and law came seemingly unbidden to his mind and were effectively used before the jury. Withal, he kept strictly to the case. There was no deviation from one unerring end and that was the winning of the case and the convincing of the jury. He had wonderful ability in getting hold of knowledge and making it his own. I remember once seeing him in a case which involved the intricacies and the peculiar law learning of deep water dredging. Now, Mr. Knight had no experience in this class of litigation and the opposition had brought from the Lakes a lawyer expert in deep dredging, one who confined himself in his practice to the causes arising from dredging on the Great Lakes. I remember that there was no branch of this peculiar work that this lawyer did not have at his fingers' end. Before he got through with the case, Mr. Knight had absorbed what this man knew about this class of litigation, while at the same time in knowledge of the law and in management and direction of the case, he was infinitely his superior. Before the case was over he demonstrated to the jury that this expert, learned in the law of dredging and experienced in its practice, was in no sense of the word his equal in presenting the case to the jury.

He was a man of great geniality. I remember with what great pleasure and hilarity he used to display to the Bar, especially when Mr. Mollohan was around, a postal card which he had received. It was in these words, as I recall it: "Mr. E. B. Knight, Dear Sir: I have got a important case and I want you

and Mr. Mollohan to try it for me. I want you for your knowledge of the law and I want Mollohan to cute rascals. Yours very truly, James R. Selby."

I once had a funny experience involving him. I was traveling in northern New York and was riding in the smoking room with a gentleman who had boarded the train at some local station. After awhile my companion asked me if I was from the South, and I informed him that I was from West Virginia. He mentioned several people and among others asked if I knew Mr. Knight. I replied, "Yes." He said, "He is a very great lawyer." I answered, "Yes, he is." He said, "He is a great speaker, has a lot of wit and humor." I agreed with him. He added, "I was there four or five months ago and they were trying a moot case at the capital. I was directed to the meeting. I heard that the Federal judge was to preside and that it was going to be an interesting affair and I went. Mr. Knight made a great speech. He kind of cleaned up that other lawyer." I said, "Yes, I expect he did." I did not think it necessary to tell him that I was the "other lawyer."

Mr. Knight always had a pleasant smile and in the trial of a case he never lost his good nature. I think the only time I ever saw him annoyed was when he was arguing a chancery case before Judge Guthrie with Mr. Quarrier on the other side. The question was over a bill in chancery asking for relief from the proceedings of the law side, and Mr. Knight was explaining the reason of the chancery jurisdiction, the difference between it and the law, and went on to say in his pleasant way, "you know, your Honor, that the common law is without conscience." Mr. Quarrier quickly interrupted, "Yes, Mr. Knight, I

have understood that is the way you practice law, but the rest of us do not practice along those lines." For the first time in my experience I think, I saw a cloud pass over his face, but it cleared up in a little bit and he went on as smoothly and kindly as ever. He was a great lawyer, thorough in preparation, intuitive in his grasp of the principles of a case, intensive in preparation, and most powerful and impressive in public address either before court, jury, or the populace.

CHAPTER V

JUDGE JAMES H. FERGUSON

IN all the years that I have been active in public and professional life I have known well very many of the prominent men in the United States—presidents, governors, cabinet ministers, senators, congressmen, lawyers, scholars and business men. Yet I believe, upon reflection, that for pure, sheer force of intellect Judge James H. Ferguson had no superior among any of them. Allan G. Thurmond, of Ohio, more nearly approached him than anyone with whom I have been acquainted. Judge Ferguson was the personification of the power of intellect. I have heard men say that Daniel Webster could have said foolish things but with his tremendous personality those things would never have seemed foolish. This was the case with Judge Ferguson. He possessed the very sublimity of commanding personality. He weighed two hundred and sixty pounds and was six feet one and one-half inches tall. He moved slowly, with an air of power in every movement. He seemed to shake the ground as he walked. He was a man of the most intense dignity, with a great, sonorous, powerful voice, deep-set eyes, jaw ponderous in its strength, beetling brows, surmounted with a great domelike head, everything about him betoken-

ing power. Like all men of his type, he was reserved, speaking infrequently, and this infrequency of expression gave an added touch of power to his imposing personality. Judge Ferguson was the most dignified and impressive man, excepting one, that I ever knew. The exception was Gall, the great Ogalla Sioux Chief, who led the campaign against Custer and who was the master mind of that battle. Gall was unquestionably the handsomest and most dignified man I ever saw, and Judge Ferguson, in dignity of deportment and expression, was the only man I can remember who approached this Sioux Chief.

Judge Ferguson's mind was a peculiar one. It was a grasping, omnivorous mind. He wanted to study grammar and some one loaned him a grammar. He studied it all through in a night and the next day returned it. He knew every rule in the book. He became interested in religion and studied the Bible and in six months was profoundly acquainted with it. His memory was like a burr. He was naturally a lawyer. Anything that he considered at all, he considered logically. In some way there was always a mystery about him. He was afar off to me. You could not approach him as the ordinary man. In his early days he had gone away from this country for many years, and that surrounded him with a glamour of mystery. Whenever anyone broached the subject of that era in his life, he was waved away. When he came back to West Virginia, he immediately entered the practice of law and wherever he was, he stood at the head of the bar. He and Colonel Benjamin H. Smith practically wrote the land law of Virginia so far as it applied to

Western Virginia. He knew the reasons of each statute, why it was amended or why it was enlarged. He could give from the Committee room experience which he had as a member of many Legislatures all of the reasons for any statute. Before the war he had been a member of the Legislature of Virginia and knew intimately and personally all of the great figures of that time in Virginia. He impressed everyone as an intellectual giant. He did not depend alone on his ability. He was a hard and diligent worker at the law and when he opposed Mr. Quarrier, or Mr. Knight, or Judge Brown, or Governor Price, or Eustace Gibson, or any of the leaders of the bar, he came thoroughly prepared. He was, with possibly one exception, the greatest cross-examiner of a witness that has come within my experience. He was adamant in his feelings. Nothing you could say to him got him off his feet. In his examination of a witness he was merciless.

He was a veteran in the trial of murder cases. When any desperate crime had been committed south of the Kanawha in the earlier days it was to Judge Ferguson that the party hastened. He spoke of this section as his principality. He knew every touch of human nature and played on the gamut of human feelings with a master hand. I presume that he held to a greater extent than any other man the secrets of many of the terrible tragedies that had occurred throughout the mountains of Southern West Virginia. In the trial of a murder case he was never discouraged and worked through it like a ponderous engine threshing its way through an obstruction. He would take one great point in the case and it would be presented from every possible

side, turned over, held up, revamped, until to the mind of the jurymen it was the one proposition before them. He was well-nigh invincible in this class of case. He did not have the eloquence of Senator Kenna nor the touch of feeling possessed by him. Whilst at times he touched the feelings, his great power lay in reaching the intellect and making the intellectual proposition the chief one. If his premises were conceded, the other side had just as well fold its tent.

My first experience with him was in the case of the State versus Abbott. I believe that his evisceration of the chief witness for the prosecution in that case was, so far as I have ever known, unequalled. Abbott was a Union man and was tried for the murder of Grass, who had Southern inclinations. The testimony was that the Union sympathizers, among them being the defendant Abbott, and Jarrett, the latter of whom had turned state's evidence, had met and agreed to shoot Grass, and that they had cast lots as to who should carry this agreement into execution. According to our information, the lot fell upon Jarrett, Abbott was to shoot Grass if Jarrett failed and Jarrett's nerve failed him and Abbott shot Grass as he came along the road in a wagon. C. P. Snyder, prosecuting attorney, and I, managed the case for the state. The trial lasted a week. On the second day we put Jarrett on the stand and brought out the facts I have mentioned above, and then turned him over to Judge Ferguson for cross-examination. Judge Ferguson was leading the defense and there were associated with him Mr. Knight and Mr. Mollohan. Neither of the latter cared for criminal practice.

The whole hope of the defense was the breaking down of Jarrett's testimony. Judge Ferguson began with Jarrett on the morning of the second day of the trial. He used one of the most peculiar and damaging methods of cross-examination, writing down the replies of the witness in longhand. This made it exceedingly hard for an untutored witness to follow the examination, for between one question and another there would be an interval of five or six minutes. Judge Ferguson began the examination and relentlessly followed Jarrett's every movement for three days previous to the shooting until he located him at Abbott's side at the time of the killing. It was the most marvelous dissection of testimony I have ever witnessed. Every word, every conversation, every turn, almost every thought, every contradiction, implied or expressed, of the witness, was held in mind by this lawyer without the loss of a word and relentlessly pressed upon him for purposes of contradiction. Nothing in the action or seemingly in the thought of the witness was overlooked or forgotten if it could be used for the purpose of distraction or for contradiction of his testimony. The cross-examination occupied two whole days of the trial. Jarrett was smart and turned and twisted with all the energy and cunning of a man whose liberty was at stake. On the third morning, with every moment of time and every word of the witness held in his memory for two whole days, ~~he~~ he arose with all the power of his great intellectuality, and standing over this witness like an enraged superman, in thunderous tones that made the court house echo, with eyes flashing and thunder seeming to gather upon his brow, his personality absolutely over-

powering, and overwhelming the witness, he exclaimed, "Didn't you shoot Grass yourself?" The witness, overawed by the enormous personality of this man, quailed, and sat in his seat with his mouth drooping, his face livid and his eyes staring, seeming to feel that his whole safety lay in silence. To the horror of the prosecution, he refused to answer and sat silent in his chair. He was baited and prodded like the victim in the bull ring, and finally denied that he shot Grass and refused to answer further. He was sent to jail for contempt of court, and Judge Ferguson knowing the influence which the situation would have upon the jury, refused to allow the contempt to be waived and the court to proceed with the other witnesses, so that the court and jury and witnesses sat there two days whilst the recalcitrant at intervals was brought out and asked to answer. It was a splendid stage-play, the machinery of which was controlled by a master hand, with the situation brought to its culmination by as marvelous exhibition of intellect and memory as has ever been seen at the bar of West Virginia.

I only once remember as powerful an effect wrought by personal expression as was wrought by Ferguson in that case. In 1871 when Virginia was trying to rid herself of the last dregs of carpetbag rule, she was having an industrial convention. It was not so much an industrial convention as a general convention for the rejuvenation of Virginia in political as well as physical affairs. On the last day the Secretary called a list of the counties, and the chairman of each county delegation responded. Nearly at the bottom of the list he called "West-

moreland County." With an ironical smile, for Westmoreland County was very poor in material products, the Chairman said, "I will call on the Hon. W. W. Walker to tell what Westmoreland produces."

Here was a man possessed of an amazing eloquence. When Zack Chandler came down in Virginia with his biting, vitriolic eloquence and the personal courage to back it, the two Virginians who had opposed him in a joint debate had been worsted. When this was broached in committee the member from Westmoreland County said that he knew a man from his County who could overmatch Chandler in joint debate. The Committee having a series of joint debates on hand with Chandler accepted his proposition and W. W. Walker, who proved to be a lawyer and Baptist preacher, met him. The first debate was a complete revelation. It disclosed that this Baptist preacher was one of the most finished and powerful orators in America, that he was far more vitriolic and biting, when he wanted to be, than Chandler, and that in all the higher elements of oratory he was infinitely the latter's superior. This superiority manifested itself plainly in two debates, and in the third he so routed and discomfited Chandler that that gentleman precipitately left the platform, abandoned the remaining debates, and cleared out of Virginia a thoroughly beaten man.

Walker, in personal appearance, was not unlike Judge Ferguson. He was six feet one and one-half inches in height and weighed two hundred and seventy-five pounds. He had the sweetest face I have ever seen, with a great, massive head surmounted by a wealth of brown hair just turning grey.

Walker seemed surprised at the tone of the Chairman of the Committee. Then he arose and made his way slowly to the platform. I will not attempt to give his speech, which continued for an hour and a half. I remember the first sentence, "It is true, Mr. Chairman, Westmoreland does not produce the wondrous blue grass of the Valley, the fat cattle of Highland, the golden wheat of Augusta, the iron of Bedford, or the rich corn of Rockingham." Then he went on detailing in a beautiful manner an intimate acquaintance with each county and its productions and still saying that Westmoreland did not produce this, that or the other, but finally turned to another subject. It went on for an hour, one continued blaze of eloquence which I have never heard surpassed. The speech was never reported, but lost, the reporters standing with their mouths open and their pencils unheeding. I remember the trend of the argument; that when this country needed leaders at its birth to mould the formative period of freedom it turned to Westmoreland; and it seemed from this man's statement all the leaders for freedom came from Westmoreland; when our country needed men to instruct Patrick Henry and Thomas Jefferson in the principles of the law, it turned to George Wythe of Westmoreland; and, in the great debate of the Continental Convention, the only man who could vie with Patrick Henry in courage and the expression of the principles of liberty was Richard Henry Lee of Westmoreland. When he mentioned Patrick Henry, we could see the lightning's flash and hear the roll of the thunder, for Patrick Henry, too, came from Westmoreland. Then, as though inspired, he went on to name those who had

been great and had given their all for America. It seemed to me that every one came from Westmoreland. When it needed a leader, the whole country, with universal acclaim, turned to George Washington,—from Westmoreland. After a hundred years had passed, and it seemed that all had failed and that the ideas of liberty were being destroyed, and when the great Republic which Virginia had fought to maintain was breaking up, and when the foes of the South were in our land and she needed a leader to defend her, Robert E. Lee was summoned—from Westmoreland. Then, rising in all of the majesty of his splendid proportions, and in one thrilling, all-consuming burst of eloquence, Walker appealed to pure patriotism, and holding his hands high above his head, touching that vast audience as if it was struck by electricity, his wondrous voice booming to the farthest recesses of the Hall, he exclaimed, "Mr. Chairman, you have asked me what Westmoreland produces. I will now answer you. Westmoreland produces MEN!" It was one of the most wonderful oratorical effects I have ever heard, and the convention then and there broke up. Ferguson, in a smaller field, got a similar effect. With Ferguson it was a powerful, commanding, purely intellectual force,—with Walker it was the eloquence which appealed to higher and better things. Both in their way were incomparable.

I never saw Judge Ferguson but twice show any feeling about what was said about him or show temperamental interest when he was being abused or criticized. In the case of State versus Dixon he was for the prosecution, but he winced when Eustace Gibson, for the defendant, made a terrible

onslaught on corporations employing counsel to prosecute people for murder. The other time, he was in the Federal Court in a land case where Robert L. Parrish of Virginia opposed him. Parrish himself was a very able lawyer and ranked high in the bar of Virginia. Knowing well that he would not be able to compete with Judge Ferguson's intimate knowledge of the facts of the case and with the local environment, he adopted raillery as his defensive weapon. To the amazement of everybody, it succeeded. Judge Ferguson lost his temper. The Parthian dart found the vital place, and Parrish won his case by making fun of Judge Ferguson. So long had his tremendous broadsides made the judges writhe in their seats, influencing juries, destroying witnesses and confounding opponents, that everybody joined in one wild, hilarious roar of triumph at his overthrow by the use of such a weapon as raillery. I remember Parrish said that he had heard much about the Judge's intellect but upon investigation he had concluded that he was the biggest humbug that he had ever seen. He said that when he saw the Judge walk solemnly through the street, he was reminded of what Julius Cæsar said about the Roman augurs, the fellows who foresaw events by the examination of chicken livers, the cackling of geese, and the cries of birds. Cæsar remarked that he wondered when the augurs met each other, knowing what a humbug each was, that they did not burst out laughing in each other's faces.

I once saw Judge Ferguson knocked out by a witness. He was a man who had traveled all the roads in his day, and in the land case of Pack versus O'Connor, Pack, a mountain man able

and alert, was on the stand and testified that on a certain creek he had a boundary enclosed with a house on it and that he had been in possession for a number of years. This would give him possession with color of title. Judge Ferguson who was opposed to Pack and never liked him, asked him in the most pointed manner if he did not keep a kind of harem at that place. Pack, after some demur, admitted that this was a fair statement of the facts. Ferguson then said to him, "Do you mean to say that you held open, notorious, adverse and continuous possession of that property for ten years?" Pack said he had with one exception. The exception of course, would have destroyed Pack's continuous possession and would have ruined his case. Ferguson, with a gleam of triumph on his face, then asked Pack the question, "What was the time and to whom did you lose possession of this place?" Pack quickly replied, "Judge, to you, once when you broke into my close." This settled the Judge's cross-examination.

The mountain witness, as every one knows who has had experience with him, is a very dangerous witness if he is against you. He is generally able to take care of himself and is usually a fearless man. Judge Ferguson was examining a witness in the Wayne Thompson murder case and the witness had answered one way in the chief examination and another on cross-examination. Judge Ferguson looked at him in a severe way and asked, "Now, what do you think of a witness who would answer a question that way?" Quick as a flash the witness said, "Now, Judge, just turn that over. What do you think of a lawyer who would ask a question that way?" It

reminded me of the celebrated interview between Mr. Pott and Mr. Winkle. "My dear sir," interposed Mr. Winkle. "Dear Sir!" replied Pott. "How dare you address me as dear sir, sir? How dare you look me in the face and do it, sir?" "Well, sir, if you come to that," responded Mr. Winkle, "How dare you look me in the face, and call me a serpent, sir?"

Judge Ferguson had a most effective method of examination for a jury. His examination on the *voir dire* was always exhaustive, and when he was through with that examination, he pretty well understood the point of view of the jurymen. I have seen him take half an hour with one juror on the *voir dire*. As a matter of fact, in the Southern Circuit he knew the relationship and the life incidents of most of the men who were on the *venire* and his examination oftentimes was to see how this incident or that relationship affected the jurymen in relation to the case at the bar. He was a consummate master of the make-up of the countryman's mind and if the *venireman* showed restiveness under this examination his fate was surely sealed.

I frequently noticed the difference between Judge Ferguson and Senator Kenna in their efforts to control a jury. Judge Ferguson on his *voir dire* had the advantage of Kenna in one particular and that was in his enormous personal knowledge of nearly every man in the Southern Circuit. Every incident in the man's life, and in those relatively early days there were incidents in most men's lives, was raised by Judge Ferguson in his examination. Kenna possessed a deeper insight into the finer and better feelings of a man than did Judge Ferguson. When

Judge Ferguson would arouse the feelings and prejudices of a juryman, Kenna by a deft touch would straighten him out again. Judge Ferguson had two elements of strength—his enormous knowledge of the personnel of the people and his great intellectual insight into a man. Neither of these carried with it any sweetness or kindliness. Kenna had practically as deep insight into a man's heart and the other traits that he possessed were equally potent. He possessed sweetness, kindliness, a smile that never failed, a good heartedness that touched every man with whom he came in contact. I think that by reason of these attributes he was able to bring a case to trial on a more advantageous plane than Judge Ferguson. Judge Ferguson played the intellectual element deeply and powerfully; Kenna played the finer emotions more deeply and profoundly than Ferguson.

I have watched Judge Ferguson oftentimes studying the jury with his piercing eyes under his deep, beetling brows, intently fixed on its members. When he came to the argument, I have seen him deliberately stand before the jury and give his whole attention to one man until he thought that juryman was convinced; then he would move on to his next selection and before he was through with his argument, the salient points in the case had been planted in the minds and driven into the hearts of four or five of the strong men of the jury, thus making conviction in a criminal case almost impossible, and in a civil case securing part if not the whole of the jury.

My friend, the Hon. E. B. Dyer, related to me an interesting incident concerning Judge Ferguson. He said Mr. Mollohan told him that he and Judge

Ferguson were in Washington arguing a case before the Supreme Court. While they were waiting on the case, they were together much of the time. Whenever Mr. Mollohan went into the Judge's room, he found the latter busily engaged in writing on some seemingly important matter. Finally he asked why he was so busily engaged. Judge Ferguson after a while said, "Now, Mollohan, I do not mind telling you because you are not a person given to much talking and I will tell you with the absolute assurance from you that you will not repeat what I say. The Supreme Court of the United States has before it a case involving a general consideration of the West Virginia land law from its beginning. Of course, no human being could ever learn, in the time necessary for a judge to consider a case, all about the West Virginia land law. That, I think you will agree, would be impossible. As you know it is a peculiar code, largely constructed upon its local necessities. The Supreme Court case involves many of these questions and they have asked me to write the decision upon the case and I am doing it." It was rather like the time when several of our members of the American bar were summoned to the Court of King's Bench in London to explain to that court the construction and import of certain laws in this country. Mr. Mollohan never mentioned this until long after Judge Ferguson's death, but it illustrates the high regard in which his legal abilities were held by the courts.

His political speeches were along the same powerful lines as his legal efforts. His discussion of the money question in 1884 was the ablest discussion of the question to which I ever listened. The wonder

will arise to the mind of everyone how such a man as this was kept out of national affairs. Well, it is one of the things that happen in our public life. He was a man with many enmities, and for one reason or another he was never allowed a seat in either national house.

The only recreation in which he ever indulged was politics and with him membership in the State Legislature was the consummation of politics. From the time he was elected until the ending of the Legislature, it was with him one tremendous grind of the most arduous labor. He generally brought his bills to the House in a gripsack and it was interesting as well as amusing to notice the suspense which every one in the Legislature evinced whilst the gripsack was being opened and the bills taken out and presented. Each one knew that by reason of Judge Ferguson's vast experience and profound mind the bills were important, well-considered and meant something, and when he was a member of the Legislature, its work was largely an enunciation of his views.

He rose to his supreme height, however, in the management of a senatorial campaign on the floor of the caucus or of the Legislature. These were the days when the United States Senators were elected by the Legislature and not by the vote of the people as at present. Looking back on my forty-five years of every kind of active experience in these contests, ranging from top sergeant to commander-in-chief, I believe that his management of a senatorial election on the floor of the joint assembly or of a caucus showed more ability and intellect than I have ever elsewhere seen.

The election of Senator Camden for the first time was brought about largely by Judge Ferguson's masterly strategical ability. As I have said elsewhere, the affections had no part in his mental make-up. The weakness or ability of every delegate and senator were discounted by him. Every strain of blood in any man of prominence was known to him, and oftentimes in a conference when the list was being considered of those who were reliable or uncertain, Ferguson would drop a bomb shell in the list of certainties by saying that on his mother's side or in a strain flowing from his grandfather, there was unreliable stock, or he was kin to some person on the other side, and it all worked out generally as he said.

He could not attract men to him through affection, as many other men were able to do. But with a certain number of men upon whom he could rely, with such a number opposed to him, and with a certain list of unreliaables, in a general assembly or a caucus of the Legislature, he was masterly in his management. His method was peculiar. He never saw the members personally in any particular interest or for his candidate. None of the personal intercession common to caucus or Legislature was ever attempted by him. He attended the inside or executive caucus. The list of members was given him with the notations as to their standing for or against a candidate. He informed himself as to the position of every member who was to participate. The attitude of every one was carefully entered on a list opposite his name, and all the conditions surrounding him were carefully considered. When he finished this conference, the conditions surrounding every man, his capacity, his

direction of thought, his name, his home, his family, his temptations, were indelibly impressed upon his mind and when this part of the contest was finished, the determining caucus or assembly was turned over to him to be managed by him absolutely and entirely.

It was a sight never to be forgotten to witness this intellectual giant in a fierce and prolonged session so common to West Virginia, managing a body of men, understanding and interpreting each direction of thought, controlling this division of sentiment, smashing this opposition, pounding to death this coterie, guiding foolish adherents, correcting mistakes of friends, and by the magnificence and grasp of his mind, through absolute and pure intellectuality, binding together for his own ends and for the purpose which he desired, a great and divided assembly. When in full action, he was filled with gibes and flouts. His sarcasm was dreadful. His direct drive was appalling. His answer to an unfair questioner was crushing and killing. His facility of expression along the fiercer and more powerful lines was, in my experience, unsurpassed. He once said to me that it was all nonsense, the expression that "a rose by any other name would smell as sweet." He said that *he* could give it a name by which it would not smell so sweet. I fully believed him.

One of the unfading figures in my recollection was this man engaged in a deadly conflict in the senate chamber filled with men, the majority of whom were opposed to him. He reminded me of a huge and fierce lion at bay—with his gleaming eyes; his great jaws working like the crushers of a huge machine; answering every objection, splintering every opposition; crushing one with sarcasm,

another with fact; riding over another with argument, smashing the little fellows as if they were mice; bowling one over with a personal allusion, threatening another man by a political reminder; using every weapon of political destruction. In combat he was a figure never to be forgotten.

In the Camden contest, particularly, his surpassing ability and experience evinced itself. Camden was a very rich man who had played a great part in those troublous times, and those were the political days when it was a crime to be rich. He had been engaged in all of the vigorous contests after the Civil War and had been nominated by the Democratic Convention for the governorship, but Jacobs, an Independent, was elected notwithstanding the fact that there was a large Democratic majority in the state. He became a candidate for the Senate of the United States. Ferguson, with all of the handicaps surrounding a contest of this kind, by his masterly knowledge of Legislative rule and parliamentary tactics, elected Camden to the Senate in the face of tremendous and powerful opposition. He seemed to delight in the arduous labors of a legislative session, particularly if it was complicated by the anxiety, worry and wearing labor of a senatorial contest. He left nothing undone, took no chances. His nerve was unsurpassed, and no leader who knew him thought for a moment of trying a game of bluff against this legislative and political veteran. While he could not attract men in a contest of this kind by his pleasing approach, yet if they were open to discussion, he would present his views in such a light that there was but one conclusion to the matter and that was his own.

Once when I was hurrying to the State House where we were in a prolonged senatorial contest, I met an important senator leaving the session. His presence being vital to us and knowing him to be an honest man and open to conviction, I said to him, "Why are you leaving just at this time?" He replied, "I don't want to hear Ferguson's speech." I then asked, "Why don't you want to hear Ferguson's speech?" "I am afraid he will convince me," he said. "Well," I replied, "Don't you want to do what is right and are you not willing to be convinced if his position is correct?" "Yes," he replied, "I am willing to be convinced but I don't want to be convinced in that direction." "Then," I said, "You are afraid to hear Ferguson's argument." He replied, "That is just it. I don't want him to convince me and I am sure he will if I stay there." I took him back and Ferguson got him.

I have oftentimes thought that the Virginia Convention of 1850 was, generally speaking, stronger in its general membership than the famous Convention of 1829 and 1830. It is true there were some great figures in the Convention of 1829 and 1830. There were Marshall, Madison, Monroe, John Randolph, Benjamin Watkins Leigh, Chapman Johnston, Giles, Upshur and others who were great national figures, but it always appeared to me that the Convention of 1850 had a generally higher intellectual average than the former convention.

Judge Ferguson was one of the representatives of Western Virginia in the Convention of 1850, and his reply to Scott was one of the ablest speeches ever made in the history of Virginia conventions. Scott was the intellectual champion of the East and

was largely relied upon by the East to defend its principles. Whilst Judge Summers was the consummate orator of the convention and his two speeches for the West were depended upon by that section as its chief line of defense and were marvelously effective, yet Ferguson's speech was considered as an argumentative and effective discussion, one of the two or three ablest speeches in the convention. His reply to Scott was overwhelming. Scott's speech occupied practically the whole day and he concluded just about adjourning time. As he concluded amidst great applause from the eastern delegates and their sympathizers who had assembled especially to hear him, Judge Ferguson arose for recognition. The chair remarked "It is late in the evening and the delegates are tired and would the gentleman defer his remarks until the morning, to which Judge Ferguson consented.

The next morning, without having eaten a bite, and having been up all night with friends, he walked into the Convention hall and for five hours made the finest legal presentation of the case that was ever made for Western Virginia.

His overmatching of one of the intellectual giants of Eastern Virginia was, to some extent, the foundation of the great reputation which he afterwards held through Eastern and Western Virginia. It is sad that this great speech so profoundly discussing the economic and political life of Virginia, only second to that of Judge Summers in its ability, has been entirely lost.

Judge Ferguson was essentially a religious man when I knew him, and among the first and most insistent prohibitionists in this land. He, on

several occasions informed me that he was writing a book on infidelity and that he had practically completed it and would publish it. I knew that he had devoted a great labor to its completion and I mentioned it to him a number of times because I recognized how important it would be to the religious world if a book of this character could be written by such a master of law and argument. Since his death I have made inquiries about the book but no one seems to know anything about it. I presume that like so much of the life of the lawyer, it has been forever lost.

CHAPTER VI

SCOTCH-IRISH IN VALLEY OF VIRGINIA

SENATOR JOHN E. KENNA. GOVERNOR E. W. WILSON.

JUDGE JAMES H. BROWN. CHARLES H. CALDWELL.

EVANS DODDRIDGE. WILLIAM H. HOGEMAN.

I HAVE always considered Senator John E. Kenna one of the finest of natural lawyers. I do not say that he was as good a technical lawyer as Mr. Quarrier, or that he was as learned a lawyer as Mr. Knight, or Judge Brown, or that he was as ponderous in his mental equipment as Judge Ferguson, but he was more many-sided than any one of these. He had unrivaled ability to get at the soul of his own case and quickly to grasp the weak point of his adversary. His mind was ordered according to the law and in any kind of address or statement made by him, you would see the logical sequence and appreciate the orderly quality of his mental make-up. What he did, was done apparently with great ease and that very ease of accomplishment caused people sometimes to think that he was not as deeply grounded as he really was. He was a social man in his life, and many people, seeing that side of him did not appreciate that he was a deep and hard student and that when he studied, he assimilated more rapidly than most men the great fundamentals of the law. The kindness and pleasantness of his de-

meanor hid a mind that was almost errorless in its judgment of a case at the Bar.

He was a man of splendid presence, with a magnificent physical make-up, and his appearance before a jury or an audience was always impressive, earnest and magnetic. I believe he was more impressive in making a point or argument before a jury than any of his compatriots. His knowledge of the law was not like Judge Ferguson's, ponderously held. It was right on the tip of his lips. He was bubbling over with wit and humor. When he went into a case it was generally after a very thorough preparation. He had that something which so few people understand, the intuition to know when he had gone far enough with a point or a phase of a case. No man that I have ever known at the Bar knew so well when to retreat or when to drive relentlessly into the case. In addition to these requisites, he always kept in touch with the human side of a jury, and he had that freemasonry with mankind which put him en rapport with everybody. If he stood still on the street and talked to anyone, some other person would come up and listen, until, in a little while, there would be a crowd. I once heard King Edward VI make a speech and was amazed at its human touch. It was full of mettle and had a ring to it. It was a speech to which, if you heard it on the street from a stranger, you would stop to listen. It was not the speech that you would expect from a king. It was such a statement as you would expect to hear from some heart-to-heart man who knew how to play on the soul and affections of his fellowmen. I was talking to Senator Chauncey Depew about it. Senator Depew is a past master in the art of speech making

and he knew King Edward very well. Said the old veteran, "The King has the touch." Kenna too, had "the touch."

Taking him all in all, I will say, excepting possibly Randolph Tucker, and the peculiar phase of cross-examination possessed by Eustace Gibson, that Kenna was the best field manager in a case that I ever have seen at the Bar. Whilst he was genial to the honest witness and would lead him as he would a child, he was dreadful and thunderous to one of the other kind, and there was not a moment of the time when his eye and heart were not on the jury. He was especially strong in the trial of criminal cases, and with a jury in the southern part of West Virginia, where he was known, he was almost invincible. He had a wonderful fund of humor and wit, and having been reared in the country, he was in touch with the lowly things, with the hills and the valleys, the clouds and the rivers and the trees, with the work in the fields, the planting of potatoes and corn, the times of planting, the cutting of the corn and the reaping of the harvest. All were used. Every string was played upon and you could oftentimes see two or three or four men on the jury leaning forward and nodding their heads with approval when Kenna was playing on the gamut of their life experience.

He had wit and an enormous amount of humor, which, at times, he could scarcely keep down. I remember once when he and his partner, W. E. Chilton, were for the defense in the capital case of State versus Robinson. There was a witness on the stand to prove that Robinson was insane. The witness was explaining his reasons for his belief in Robinson's

insanity and gave as an illustration the latter's peculiar actions in the evening and early in the morning in the spring of the year. He said Robinson lived about fifty yards from his house and in the morning would walk around the field and a patch of woods and hold his left hand perfectly rigid as if there was something in it, while his right hand would jump up and down. The witness said that nearly every day he had watched Robinson doing that for an hour at a time in the morning and at sundown, as though pretending that he was catching something. I saw the spasm of almost unconquerable laughter which came over Kenna's face when he turned around to Mr. Mollohan and myself who were sitting in the Bar. Both of us were fishermen and knew what Robinson was doing. Kenna was also a great fisherman, and these strange acts which betokened his client's insanity consisted in his catching grasshoppers for bait and putting them in a can for his next morning or evening's fishing. The witness at that distance could not see the grasshoppers.

Once he and I were defending a man by the name of Bill Morgan for a crime. We put Bill on the stand and we thought best to have him make a clean breast of it and then for him to tell what a hard time he had had in his life. He went on the stand and told his story of his hard life, his father having died when he was a baby and how he had to scuffle for a living with nobody to look out for him or to help him. When Kenna got to this phase of it, he went on with his argument in a most emotional manner, saying he had known Bill's father and had known Bill all of his life and he knew what a hard time he had, and then with a burst of emotion, said he had nobody to

help take care of him now in this crisis of his life. He reached into his pocket to get his handkerchief to wipe the tears out of his eyes but his handkerchief was not there. He was wearing a Prince Albert coat with a long tail to it, and when he could not find his handkerchief, he pulled the tail of his Prince Albert around and wiped his eyes with it. It was a ridiculous end to a great scene, but the jury did not seem to appreciate the humor of it. They were looking at the big man filled with sorrow and the ridiculousness of the situation never appealed to them. It did to Kenna after I told him of it. At first he strenuously denied my statement and then laughed until tears came to his eyes.

He was the idol of the country people. Powerful and strong, he could hold his own physically with any of them, yet at the same time they knew he was magnificently mentally endowed. When he leveled himself and prepared for a trial, Mr. Quarrier and Mr. Knight, Judge Ferguson, Mr. Hogeman or any of the leaders knew that they had to give up everything within them. He was tremendously emotional and before a jury he exercised this power to the utmost. I have seen him stand before a jury with tears in his eyes and half of the jury would be crying. But he was like a whirlwind in attack. Every thread of an argument was unwound and the case was exposed relentlessly as far as his adversaries were concerned and thoroughly conserved so far as his side demanded. Nothing was forgotten. He had a habit which I think he had taken from Judge Ferguson. I have seen Judge Ferguson argue a case before a jury and stand in front of one man until he had convinced him and then walk to the next one

until practically he had gone over the jury one by one. Kenna would take a group of two or three of the jury and stand before them until he had them in the hollow of his hand, after which he moved on to another group.

If he had not given such a great part of his time to politics, he would have gone down in history as one of the great lawyers of this country, but he was elected to the Lower House of Congress when he was very young and from the House to the Senate, and practically all of his mature life was given to affairs in the Congress of the United States, which took him away from the trial of causes at the Bar. Yet, very often he was summoned to West Virginia to defend someone whose case was desperate. It always seemed to me, however, that he regretted his position, because his mind was peculiarly legal. The learning and the reading of the law were pleasant to him. He loved its serious study and contemplation and had he devoted his life to the law, with his wit and humor and his grasp of the principles of the law, with his great eloquence and magnetism and with his splendid generalship in a cause, he would have been one of the dozen of America's greatest advocates. With all of the distractions of his political life, he, nevertheless, was one of the greatest lawyers whom I have ever known.

There was a great deal of pathos in our last visit to him. He was then in his second term in the Senate and he had been mortally ill for quite a long time. Joe and Will Chilton and I had gone together to Washington to see him. We thought it was the last time we would see him alive. Throughout the whole conversation there was not one allusion to his illness.

He knew he was not going to get well and we knew it also, but with all, it was a pleasant conversation, dealing with the facts of the day, the politics of the state, and the news from home. It was nearly train time and we got up to leave. We had all been diverting our minds from the one thing we knew was imminent. As I say it had been a very pleasant party. When we got up we stood by the bedside. He said "don't go, stay a little while longer." We told him it was train time; and then the thought that was in each man's heart came to the sick man also. He reached over and caught Joe Chilton's arm and we all stood there—for just then it seemed to strike all of us and him, that this would be the last time he would see us or we would see him alive, and he dropped his hand from Joe's arm and in a voice which I can hear today, said "boys, stay a little longer." There was a silence. After a moment his hand dropped from Joe's arm and we walked out. The premonition was correct. That was the last time we saw him alive.

When I came to the Bar, the earlier activities of Judge James H. Brown were largely over. He was giving his attention to four or five important cases. The land titles were then beginning to be settled as the land was becoming valuable. Judge Brown was interested in many tracts of land and he was also retained in nearly every important land case to be tried in these courts. He was possibly the most learned land lawyer then at the Bar. His mind was saturated with the learning of the land law. A contested line with him was an entity and a marked corner in the course, a sentient being. The oak corner marked with three hacks possessed the active

elements of being. You would think from this that he was a dry, austere man. Such was not the case. He was a most entertaining person, yet one of the most dignified men I ever saw. In the twenty years I knew him, I never knew him to lose his poise. He was a most striking looking man—six feet one and one-half inches tall, spare, straight as an arrow, with a wealth of gray hair, brown sparkling eyes, with a vigorous mouth and a clean-cut jaw, and with long, strong hands. Before the court he was one of the most impressive figures. He had probably tried more land cases than any other man at the Bar. There was hardly a survey whose history he could not tell you entertainingly. Still I do not want to impress you with the idea that he was a dry-as-dust lawyer. He had an enormous fund of anecdote and experience.

I remember when I had just come to the Bar and was sitting among strangers, knowing no one, that he came over and in the sweetest and kindest way in the world, introduced himself, shook hands with me, laid his hand over on my shoulder and gave me the encouragement that a kindly person can give to the one needing sympathy, and discussed most entertainingly the hopes and aspirations that touch young men.

He possessed a peculiar mind. He would get after a point and never stop until he had run it to fruition. When he got through with it, everything that the point meant he had in mind. His mind was not quick but it was thorough. In fact, he was one of the most thorough of men in the preparation of a case. I remember being a junior with him in a land case in Roane County. When I went over there, I

thought that we knew all about the case, but when we got to the court house we found it would not come to trial for a week. It was filled with almost every proposition that could arise in a land case, and under the direction of Judge Brown, we worked over it each night until midnight. I thought no preparation could be more thorough than the one we made.

Judge Brown never thought muddily on any proposition. When we got hold of it and learned it, it was as clear to him as noonday. He was tremendously persistent, never quitting the ship until deck, masts and sails were entirely under water. This quality was illustrated by a remark of Mr. Quarrier. Judge Brown had filed two or three amended bills in a cause. Mr. Quarrier was on the other side and he remarked to the court, "Your Honor, we have just begun this case. Judge Brown has only filed his third amended bill. You know Judge Brown never gets well into a case until he has had at least two verdicts of the jury against him."

In the case of the State of West Virginia versus The Merchants Bank of West Virginia, which was a *causa celebre* in the old days, he argued the demurrer to the bill in the cause. The bill had been prepared by Colonel Hogeman who had devoted great care to its preparation. Judge Brown had given great attention to the preparation for the defense. Surrounded by a small library of books, he began the argument at ten o'clock in the morning and argued the cause all that day and until three o'clock the next afternoon. I sat beside the Circuit Judge during the whole argument and was amazed at the learning, research and vigor displayed by this old man then more than seventy years of age. When he spoke, he leaned

back and had but two gestures,—one with his right hand, its fingers slightly bent; and the other, with both hands, their fingers extended. Leaning back that way, with his white beard, his gray hair, his flashing brown eyes, and his long slender erect figure, he comes before me now as vividly as I used to see him forty-five years ago—as, without a particle of seeming mental or physical weariness, he put down the book from which he was reading to the Court, after two days of intense argument, and said, “May it please your Honor, I have stated this case in all of its bearings. I think I know the law applying to it; I am sure I am familiar with the facts. I have given your Honor the benefit of all that I am capable of giving and I submit, sir, this case, with the absolute assurance that the principles for which I contend should control,”—then turned away from his prodigious effort as cheerily and easily as if he had been making a five minutes’ address to the Court. Judge Guthrie, at whose side I sat during the argument, himself an able lawyer and splendid judge, turned to me when he had finished and said, “That was the greatest legal argument I ever heard.”

One of the most interesting characters at the Bar when I began was Mr. Evans Doddridge. He was then an old man. He was the first specialist lawyer at the Bar. He was a chancery lawyer par excellence and always for the defense. Whenever a person had a bad case in the Chancery Court where it was salvation to have delay, he hunted up Mr. Doddridge. He was a careful man in his appearance, always immaculately clad in white in the spring and summer, his shirt and cuffs white as the snow, his face always shaven. He was full of eccentricities and peculiar-

ities, and whenever a case fell into his hands it became one of circumlocution and the proceedings from that time on were characterized by the things which made a hero of Quintus Fabius Maximus Cunctator. He was a man sharp of speech, with a touch of fire in everything he said. He was the son of Philip Doddridge, one of the greatest Virginia lawyers and inherited a great deal of the eccentricity and much of the ability of his distinguished progenitor. He was intensely Southern in his proclivities. I remember once when he and Rufe Warren, the constable, and myself were taking a drink at Lew Wehrle's barroom, that Mr. Doddridge asked for ice. Lew had just broken the top of a cut glass decanter and it was lying on the counter. When Mr. Doddridge asked for ice, Rufe took the decanter top on a spoon and put it over in Mr. Doddridge's glass and said to him "Mr. Doddridge, there is your ice." My highly respected friend, the late F. M. Staunton, whose people came from New York, had just established an ice factory in the town, and as I have said, Mr. Doddridge did not love anybody who came from north of the Mason and Dixon line. The old man vigorously stirred his decanter top around in his glass five or six times, then turned to Warren and said, "Rufe, those damned Yankees who come here are so stingy that they even make ice that won't melt."

He had been in some of the great litigations prior to the War, notably the litigation of Myra Clark Gaines against the cities of New Orleans and St. Louis, and was her chief counsel in some of these proceedings. When he died, there was a little

portfolio of his correspondence given to me and in it I found four or five letters of the famous litigant, written in her own beautiful copy-plate hand. I wish there were room here to put them in print and give to the Bar the benefit of her shrewd observations on men and the law. I remember particularly she asked Mr. Doddridge's opinion as to employing "a young man named Stephen J. Field, whom I heard make a speech in court, and he struck me as being a very fine lawyer for so young a man. What do you think of my employing him in this case? I believe he will be a great lawyer some day."

Stephen J. Field afterwards became a justice of the Supreme Court of the United States, one of the ablest members of that great court during the whole of its history.

Mr. Doddridge very heartily disliked Judge Smith and Judge Smith returned it in kind, and whenever there was a case pending before Judge Smith in which Mr. Doddridge was counsel it was from the beginning to the end, a contest between the rapier and the bludgeon. His mind was an illuminating mind on the point under discussion. Particularly speaking, it was a mind that dived into the point at issue and illuminated that point and nothing else.

One of the strongest lawyers of this coterie was William H. Hogeman. He was as near a disembodied intellectuality as any human being could well be. He was small in size, his movements were quick and agile, and his personality seemed to me to have become moulded into an abstract mentality of tremendous power. He was a learned lawyer, with the ability to strip the legal proposition clean and clear and to present it exactly as he desired it. There

was no mistaking what he intended to say and a principle announced by him was clear both to the jury and to the court. He was stronger before a court than before a jury, although he possessed remarkable ability before both forums. He was studious, abstemious in his life, and his whole intellectuality was devoted to the thing that he was attempting to do. There was nothing undecided in anything that he did. There was no wavering in his mind. Whatever he saw, he saw clearly, but he was not a discriminating lawyer. This was possibly his great weakness. Judge Ferguson used to ask when he was going into an important case, "Is Hogeman on the other side?"—and if they told him that he was, he would say, "Well, there is no need of my taking any books, Hogeman will have all of my authorities with him." He was painstaking in the preparation of cases. Nothing swerved him from the issue. His pleadings were carefully drawn, guarded in expression, and no pains were spared to make them absolutely complete in every legal sense. From the time he went into a case until its conclusion, he was indefatigable. Generally he was for the defense and from the time he went into the case until his defeat or victory, the opposite side was plied with notices, pleas, motions and demurrers. He was an adept in presenting a clean record on his side and making a bad one for the other side. It is not to be understood from this that he was not strong before a jury. He was a man of small stature and that was his weakness before a jury. He was at a disadvantage in a jury cause with physical giants like Kenna or Ferguson or Knight and men of that type, but when any of these strong men were in a case with

Hogeman, they knew that nothing slipshod could be done but that every effort was to be made if they won the case.

He could be eloquent when he wanted to be, but like S. S. Cox, the physical element was lacking. You remember that Mr. Cox said that what was right in one man was all wrong in another. He instanced the tremendous power of Mr. Webster's statement when, rising in the Senate with his wondrous physical personality and his great, deep, melodious voice, he said, "Mr. President, if the Whig party dies, where shall I go?" This was received in the Senate with a silence that was felt because of the man's wondrous physical as well as mental potentialities. Mr. Cox used to say that if he, with his five feet of height, and his one hundred pounds of weight would rise in the Senate and make an assertion of that kind in his thin piping voice, everybody would be in a roar. That was Mr. Hogeman's trouble. Yet he could be dramatic before a jury if he so desired. I once witnessed a very funny incident in the court with him as principal actor. It was in the case of Capeller versus The Queen Insurance Company. Mr. Quarrier was for the defendant and Mr. Hogeman for the plaintiff. Capeller had lost a house by fire. This house was insured by The Queen Insurance Company, which refused to pay the insurance and Colonel Hogeman brought the suit. Our respected citizen, Joseph A. Jones, had a house close to Capeller's and he was angry at Capeller because the burning of Capeller's house had destroyed it. Our friend Joseph Jones has quite a large nose, and when he was on the stand, he said that just when the fire was discovered in Capeller's house, he smelt oil. I remem-

ber Hogeman's attack upon Joe. It was one of the funniest I ever witnessed in court. When he got to that part of the evidence he said, "But, gentlemen of the jury, Joe Jones smelt oil." Then he switched off and discussed some other evidence, and after a time, with a higher inflection than before, exclaimed, "but, gentlemen of the jury, Joe Jones smelt oil." And then again, with his voice quivering higher and higher, he discussed another phase of the evidence, and again with higher inflection than before broke into his argument with, "but, gentlemen of the jury, Joe Jones smelt oil." This went on as the refrain for a dozen times, until his face was aflame and his voice was in the very highest pitch and he was standing on tiptoe. The closing section of every portion of the argument would be accompanied by that shrill and strident statement, "but gentlemen of the jury, Joe Jones smelt oil." The speech was two hours long and the whole attention of the jury and the court and the audience was directed to the time when he would again clinch his argument with the statement that "Joe Jones smelt oil." After a while we grew nervous, and we could see him rising on tiptoes, his body taking new tension and his voice becoming higher and higher. It was a sign that his grand refrain would soon be heard again. At last in one great burst of eloquence, with hands above his head, standing on tiptoe, he exclaimed as his final closing shot in the case. "But, gentlemen of the jury, Joe Jones smelt oil, but who with a nose like Joe Jones' would not smell anything?" I was sitting beside my friend Joe Jones, and had a difficult time keeping him from interrupting Hogeman's speech. Hogeman reminded me in this case

very much of old Cato, who, in the Senate of Rome, no matter what the subject of his discussion, always closed every speech with the statement that "Carthage must be destroyed." This is but illustrative of Hogeman's forensic ability and it further illustrates the proposition that the consummation of a lawyer's life and ability in those days was largely in the Court House.

In the case of the State of West Virginia against the Merchants Bank of Charleston, most of the Bar was engaged for the defense. The object of the suit was to make about one-half the members of the Bar, who were sureties of the Merchants Bank, pay their proportionate amount of the debt for which the bank had defaulted. Hogeman was the only one on his side and he was a small specimen of a man. On the other side was at least one-half of the Bar. Captain Swan brought in about fifty books for the defense and was reading from them and took the high ground that the state was oppressing its citizens by making them pay this money, and striking a tragic attitude for which his bent form and his broad Virginia tide-water accent were ill adapted, he stood up in front of Hogeman with uplifted hands and exclaimed, "Bewar, Bewar." I remember this as one of the most ludicrous exhibitions I ever witnessed in Court.

One of the most interesting of my associates at the Kanawha Bar was E. Willis Wilson, who came from the eastern part of the state, around Charles Town, and after serving a term in the Legislature, settled at Charleston. When his mind grasped a point, his whole soul was filled with that one proposition. His was not a discriminating mind and while

he would frequently get hold of law which did not apply, yet all the learning of the law, whether it applied or not, would be gotten into the case before he got through. He was indefatigable in his energy, most vigorous in his expression, and with a mind which felt that any case in which he was interested was absolutely right and anything opposed there to entirely wrong. The whole trend of his life was along this line. His mind was essentially the mind of an advocate. As I say, he was not always a discriminating lawyer, but he threshed over the whole of the situation before he finished the case. He was afraid of nothing in the world, with lots of wit at times, but with little real humor. He was younger than Mr. Knight, Mr. Quarrier, Mr. Hogeman, Judge Ferguson, Mr. Miller or Judge Brown. These gentlemen in those days formed a little guild of their own. It was hard to break into this charmed circle. Wilson was essentially a revolutionist and an iconoclast, and when any of these men were on the other side, it brought him to his highest efforts. When he got hold of the right situation, he was tremendously effective before a jury and court. He very rarely ever spoke less than two and a half hours before a jury, and before he was through, he had traveled the whole course of fact and law in and about the case. One of this disposition often jumps into situations from which he has hard work to extricate himself. I remember once in the trial of Tompkins versus The Kanawha Board, which was an action brought by Tompkins versus The Kanawha Board for the sinking of a boat by a snag, Tompkins claimed that the Kanawha Board which had charge of the river should have taken a stump

out of the channel. The suit was for negligence. Mr. Wilson was examining a witness and it was proven that the stump was afterwards taken out of the channel. Wilson asked the witness, "How was the stump taken out?" The witness replied, "It was taken out by a nigger." Wilson immediately asked if the nigger was here and the witness said no. Then he began a vigorous fight on the question of primary and secondary evidence and demanded that the nigger taking the stump out of the channel should be produced in court and began an examination to show where the witness was. The witness said the nigger was down the river on a boat. Wilson again demanded that the negro be produced and turned up at the afternoon recess with a bundle of books to show that the primary testimony should be produced. After an exhaustive argument on this proposition, Mr. Miller, who was for the Kanawha Board, dryly informed him that the nigger was a mechanical device in the shape of a capstan.

Wilson, with his ardent temperament must soon go to politics, which he did. At times I have heard him make the most effective speeches before the people. Those were times when a man was largely measured by his ability on the stump. He was full of gesticulation, his eyes would flash and his teeth would show, and anybody within a hundred yards could hear what he had to say. He was filled with more gesticulation than any other man I have ever heard speak. I remember one day that after he had spoken for two hours, his opponent arose and without saying a word went through the most violent gesticulations for three-quarters of an hour without ever opening his mouth. The gesticulations were

absolutely imitative of Mr. Wilson. He would jump to the other end of the platform with his mouth going and his eyes flashing and hands and feet and arms in violent motion but never a sound. He would stop from the violence of his efforts just as Mr. Wilson had done and wipe the sweat off his face midst a wild gale of laughter from the crowd, but never a sound did he emit. Wilson tried to interrupt him but there was nothing to interrupt. He never said a word and when Wilson did interrupt him, all he could get in reply was the most offensive and violent gesticulations as if he was making a complete denial of every one of his statements. I think in the twenty-five years that I knew him that this was the only time I ever saw him taken aback. It was a complete defeat, administered by a man who never opened his mouth.

He tried many of the important cases and was always prepared. His chief fame, however, was on the stump and in the political arena. He was Speaker of the Lower House of the Legislature. It generally happened that I was on the other side of the situation in politics from him. We were both Democrats, and though I trained with one wing of the party and he with the other, our relations were always friendly, and most of the time kindly. However, opposition to him generally provoked a fight. A man of this kind has great friends and deadly enemies and whenever he was in a campaign, it was a real fight. He was not a good organizer of a machine. His great forte was in getting hold of the people at mass meetings. Of course this plan was good at times but very ineffective in later day ideas of politics.

His disposition for a fight provoked many exciting

and amusing situations and his earnestness compelled attention whether he was in the minority or majority. I remember once in a most heated campaign when he was a candidate for Attorney General, he was defeated by my partner, General Watts. The next term Mr. Wilson was candidate for Governor and Watts was again candidate for Attorney General. The county convention was in the old courthouse and it was packed and jammed with a mass of humanity, all excited over the contest. If General Watts carried the county for Attorney General, Mr. Wilson could not have the county for Governor, which, of course, meant his defeat in the state convention. He was smarting under a defeat for Congress and also for Attorney General, and in the county convention at the courthouse there was as much feeling as I have witnessed in any popular assembly. Mr. Wilson made a speech and went over the facts of his defeat for Congress and for Attorney General, voicing his desire to be elected Governor of the state. General Watts was present in the convention and was within the Bar of the courthouse. Mr. Wilson began his speech which was as vigorous as any he had ever made, and after he had recounted his wrongs at the hands of the faction opposed to him, he began to get more and more excited and his voice became louder and his gesticulations more violent, as all the time he approached General Watts. Finally when he came to the peroration of his speech, with both hands in the air, his eyes flashing and his face inflamed, after recounting the wrongs that our section of the party had done him, he made a statement which General Watts, who knew no fear, arose to oppose. Mr. Wilson, without

taking his hands down from his gesticulations, perorated his speech by cracking General Watts upon the side of the head with a blow as vigorous as any you will see in a lifetime. Immediately General Watts and he were engaged in close embrace and the old courthouse was in confusion, with every man's hand against his neighbor. Even those of us who were accustomed to the troubled scenes of those good old days were treated on that day to strange sights. I was standing near General Watts and my next neighbor was Joseph A. Jones, a warm adherent of General Watts, and beside Joe stood David Eagan, a great friend of Mr. Wilson. Joe and Davy did not like each other anyhow and both of them liked to fight. This was a good opportunity. Joe, who was a great dude in those days, wore one of the wide turned down Byronic collars and a belt to hold up his trousers, without any coat or suspenders. Joe turned around, saw Davy close to him, and without any discussion, popped Davy in the eye. Davy was so close to Joe that he could not hit him back so he just reached over and clawed him with both hands, tore his shirt loose at the collar, went ripping on down with both hands and broke the belt which held up Joe's trousers, which immediately fell down. When Joe stooped to pull them up, Davy knocked him down and fell over on him and in a minute they had stripped Joe of all of his clothes, including his shirt. Every now and then in the midst of the mêlée that naked man would arise with people tumbling over him, only to disappear under the crowd, fighting for his life. When they got through, Joe had nothing on in the world except one white shoe. He had to go into the jury room until clothes were sent for.

Just on the other side of me was my friend Bill Mahan; peace be to his ashes! Bill Mahan was a great friend of Watts. He weighed two hundred and seventy-five pounds. Standing beside him was a tall, thin, long black-bearded tailor by the name of Thomas who was tooth and nail for Wilson. When the *mêlée* started, Thomas, of course, thought it was his bounden duty to knock the first Watts man he could find so he reached over and whacked Bill Mahan on the head. Bill was so close to Thomas that he could not return the compliment in kind, so he reached over and pulled out one side of Thomas' beard. This long, beautiful beard was the love of Thomas' life. Thomas whacked Bill again and down they fell on the floor beside Joe Jones and Davy Eagan. Every now and then Thomas would crack Bill, and Bill, who could not hit him, would reach over and pull out another piece of his beard. After awhile tears began to pour from the tailor's eyes, as Bill went on pulling out one section of his beard after another. I sympathized very greatly with Thomas, for from personal experience I know that it is the most excruciating pain in the world to have your beard pulled out. A misguided and very much inflamed gentleman once held on to my goatee for what seemed to me to be an hour, and a half. I remember yet how painful it was. Of course these four men engaged in their little private battle around and over me rendered me incapable of mixing up very much in the situation. Every now and then Joe would rise from the *mêlée* without a stitch of clothes on him and go under again, whereupon I would look over and see Bill Mahan pulling out every hair of Thomas' beard. When the *mêlée* was over, as I have said, Joe had

left only one white shoe and Thomas just a little wisp of his former beautiful beard sticking out from the side of his left jaw. They were great days and this looks like the description of a very gay time. They were vigorous days, but you generally obtained a fair expression of the real will of the people.

Wilson was the greatest hand to raise a storm I have ever met. He was nominated for governor and made an able chief executive. He was thoroughly personally honest, and while a man of his disposition was naturally one-sided in both law and politics, still what he did was the honest expression of his thought. As I said above, he had not a great deal of humor, but at times he was enormously witty and could make as effective a speech to a popular audience as any man of his time.

I remember once we were on the way to Fayette County to try a case. We had wired to have horses sent to the station for us. His horse came, an enormous one, but mine did not get there. He very kindly offered to let me ride behind him, which I did. Going up the hill we were talking over things, and among others, I asked him, he was older than I, how he got the name of "Windy." He was familiarly known as "Windy Wilson." He said, "I will tell you about that. When Davis and Camden were trying to take over the Kanawha River Board and substitute for it a private corporation, I opposed it and had the thing all settled in the Legislature. The morning before the day of adjournment of the Legislature, I got the floor and the only way to defeat the bill was to keep on my feet. I spoke all that day and until twelve o'clock at night. The Legislature

was to adjourn that day at twelve o'clock. Well, they turned back the clock at twelve o'clock to eight o'clock, and the Legislature still went on until midnight by the clock, which was really by the correct time the next day. They continued this process for three days. They had to adjourn then and could no longer turn back the clock." He was on his feet three days and part of three nights. I said to him, riding along there beside him, "Didn't you wear out?" He said, "No, I was all fresh." He was made of iron. "Well," said I, "I did not mean that. Didn't you run out of materials?" "Lord! no," he said, "I had twenty-three points and I was only on my second one." When he said this, I almost fell off the horse. After awhile he noticed I was shaking with laughter and turning around asked in a surprised way, "What in thunder are you laughing at?" I replied, "Nothing." The humor of the thing never seemed to strike him.

I witnessed one of the funniest trials, between Wilson and Charles Caldwell. It lasted for a week and was a series of vigorous episodes, one after another.

Della Hazlett, a very well known character in Charleston, brought suit against the Ohio River Railroad for something that had happened to her on the road, a personal injury, I believe. She had sued for \$10,000.00, and Charlie Caldwell of Parkersburg, was her lawyer. The original suit was before the Circuit Court at Parkersburg. During the proceedings, Della made some kind of a deal with the Ohio River people, by which she got \$4,000.00 as a settlement. Caldwell was left out of the deal, even though he had a contingent fee therein.

Caldwell was one of the most remarkable men of our times in West Virginia. He was one of the best trial lawyers of his day. He was a magnificent-looking man, full of wit and humor and real eloquence. He had the ability, which so few possess, of making people listen to him whenever he opened his mouth. As I say, he was a magnificent-looking man, along the Websterian style. His head was bald as a billiard ball. There was not one hair on his head. Whenever he got up before an audience, everybody stopped and gave him their entire attention, and however long he spoke, people still remained. I remember Caldwell, when he was in the State Senate, excoriating a high official of the State of West Virginia. The performance lasted two and one-half hours, and I will say that in a somewhat large experience, I never listened to such a speech. It was filled with gibes and flouts and jeers and jokes, and statements, by innuendo and by direction, beyond anything I can describe. He called his home "Saints Rest" and dubbed himself "the Sage of Saints Rest." Caldwell was a very kindly man and was always doing courtesies to people. This disposition often got him into some funny situations. As I say he was the baldest-headed man in the world. The hair restorer people, whenever they started a new tonic, always hunted up Caldwell. One of the craft got hold of him one day and insisted upon his using his new formula and sent him six free bottles. About a month afterwards he came to get his testimonial for publication. Caldwell wanted to do what he could for his hair tonic friend, but there was the bald head, so he thought a moment, and then wrote him this letter.

DEAR SIR: I think your tonic a very fine one. I have used six bottles. When I began I did not have a sprig of hair on my head and you ought to see it now.

Very truly yours,

C. H. CALDWELL.

The hair tonic man, grasping the humor of the situation, looked at Caldwell's head and then at the testimonial, remarked, "Well, Charlie, I think we had better publish this testimonial in Siam."

Caldwell made the only satisfactory reply I ever heard to a jibe about a bald-headed man. We were trying a case in the Kanawha Circuit Court and an exceedingly verbose and stupid lawyer on the other side was making a harangue before the jury. Towards the close of his speech, in order to freshen up things a little, he made some remark about Caldwell's bald head. Caldwell immediately replied, "It may be bald on the outside, but not on the inside."

In the Convention that nominated my friend A. B. White for Governor, Caldwell was to make the nominating speech. Like all convention days, it was the hottest that ever bloomed. When Charlie arose to nominate White, he first wiped the perspiration off his bald head, and then took off his collar and cravat and laid them down beside him and made a few remarks. After fifteen minutes of discursive eloquence he took off his coat and folded it up and laid it beside him. He went on for another fifteen minutes and alluded to the fact that he was to make a nominating speech for the governorship by saying "By the way, I am going to nominate a man for governor," and then he took off his vest. After

some minutes more of his speech, he divested himself of his suspenders. I don't know what he would have finally taken off, but a man back in the audience said, "Charlie, keep on your breeches!" As soon as the laughter subsided he went on with his speech, at least with his shirt and trousers on.

Judge Dayton of the United States District Court for the Northern District of West Virginia, who was very punctilious and careful about his official duties, at one term had a number of persons before him upon indictment. Among them was an Italian, speaking very broken English, who was indicted for a very serious offense and seemed to be unable to take care of himself. Judge Dayton asked him if he had any friends or any money to employ counsel. He responded that he had no friends and no money. The Judge, glancing around the court room, said "I will assign Mr. Caldwell to defend you and look after your interests." Caldwell took the prisoner out and discussed with him his defense as well as he could because of the broken English of the Italian, and came to the conclusion that the man was not guilty, and that the prosecution would break down. It turned out as Caldwell had thought, and after two or three witnesses had been examined, to the great surprise of the Italian, the Court stopped the trial and directed a verdict of acquittal. The Italian did not understand and was overwhelmed with the proceeding. He took Caldwell out into a private room and reached in his pocket, pulled out a great roll of bills, and before Caldwell could recover from his surprise, the Italian asked him his charge. Charlie slowly recovering said, "About fifty dollars." The Italian responded by taking from his roll five ten

dollar bills. After he had done this he said, "Now, what do your partner charge," referring to the Judge who had directed the verdict. Charlie gave one swallow and said, "About the same sum." The fellow skinned off another five ten dollar bills and handed them over to him and Charlie promptly pocketed them. It was too good a joke to keep and Charlie, after some time, told some lawyers about it and it finally got to Judge Dayton.

But we have forgotten Caldwell's case with Wilson. In this case Della got her four thousand dollars and immediately decamped with it, arriving at her home in the City of Charleston with the money in bills on her person. Caldwell had a one-half contingent fee, and in those days, two thousand dollars was a large fee. He came to Charleston and got after Della to make her disgorge his share, but Della was not much on the disgorging. The result was that Caldwell attached her person for fraud, and Wilson defended her. Everybody knew that between the two lawyers, with Della as a subject matter, it would be a very interesting affair. Della was haled into Court, and after a number of interrogations, was asked where the money was. At first she refused to tell. Finally lifting her skirt and showing two very shapely ankles, one somewhat larger than the other, she said it was there. In other words, Della had tucked the bills in her stocking. The question was then, how to get them out. It was a veritable case of "Miss Kilmansegg, with her precious leg."

But the precious Leg of Miss Kilmansegg,
That gowden, goolden, golden leg, •
Was the theme of all conversation!

Had it been a pillar of church and state,
 Or a prop to support the whole dead weight,
 It could not have furnished more debate,
 To the heads and tails of the nation!

The discussion raged for days before an interested, crowded Court House, with Wilson and Caldwell every now and then being held apart by the Sheriff. Every phase of constitutional and personal liberty, in the most eloquent manner, was discussed by the two gentlemen; Della sat there, an interested spectator, ever and anon lifting her skirts and showing to Caldwell the roll of bills on her right ankle. They used every extraordinary writ known to the law. Wilson prohibited the attachment, then Charlie retaliated with a *mandamus*, compelling his Court to act, and then Wilson came back with a *certiorari*, removing the cause to another court. You will understand that these proceedings were marked with all sorts of personal appeals to liberty, to the law, and accompanied by talking which you could have heard, on a clear day, for at least a half mile, and all filled with the most enormous action on the part of both gentlemen.

It was the most interesting performance I ever listened to in Court. Della sat serenely quiet, the only thing that she did, when Charlie would look in her direction, being slyly to raise her dress and show the enlarged ankle.

At the end of the week, after the contest had raged for five days, the two attorneys became so embroiled that Wilson in open court challenged Caldwell to a duel. Caldwell made a speech in reply to the challenge. He said among other things, the

challenged party had the right of weapons and of place where the duel was to be fought. He discussed the duello in the most interesting fashion for over an hour, which was replied to and repeatedly interrupted by Wilson, the sheriff standing guard between them. Caldwell told him in open Court that he would accept his challenge. During this time the Court sat serenely, allowing the proceedings to go ahead. Caldwell was a man of tremendous physical physique, and, as I have pointed out, with head as bald as an onion. Wilson was a very thin man, weighing not more than a hundred and thirty or forty pounds, with a thick shock of hair. Finally Caldwell, extending his arms and pushing back his wristlets, and pulling his coat down, said that as the challenged party, the time and the weapons for the mortal combat were to be determined by him; that he feared no man; that he did not care to put this thing off, and that he accepted Wilson's challenge—the combat to be held immediately. Extending his arms in Wilson's direction, and starting towards him, he said that the mode of combat was to be the pulling of hair! At this, I think Wilson was the most disgusted human being I ever looked upon. Of course, the Court House roared, and the Judge, knowing by his long familiarity with Caldwell, that the proposition for the duel would end in some ridiculous manner, had gone along and paid no attention to the challenge, which was in earnest on Wilson's part.

That ended Wilson's interest in the contest. He was so disgusted with the situation, that he took Della off to one side and all witnessed her putting her foot up on the Court House steps and opening

her bank, whereupon he walked over without saying a word, handed Caldwell his money and left the Court House. As he passed me, I heard him say, as if talking to himself, "Pulling hair—Hell!"

CHAPTER VII

SALT MAKING: JAMES M. LAIDLEY. CHARLES HED-
RICK. ISAAC N. SMITH. SAMUEL A. MILLER.
WESLEY MOLLOHAN. COLONEL BEN. H. SMITH.
MAJOR THOMAS L. BROUN.

THE important business in the Kanawha Valley before the Civil War was the making of salt. The oil jars by which the deep drilling was made possible were invented by William Morris, a Kanawha man. This is the process used in all the deep oil drilling of today. The salt business of the Kanawha Valley had a very far reaching influence all over the Middle West. It was enormously money making and a number of people here before the war had incomes as high as \$50,000 per year. This business formed the basis for the principal litigation of the day.

The first trust agreement of which I have any knowledge was drawn by Mr. James Madison Laidley, a Kanawha lawyer. It made a trust of the salt properties of the Kanawha Valley. Mr. Laidley, though a lawyer, was very extensively engaged as a salt maker and a developer of wide vision. He and Dr. J. P. Hale had rented many of the salt furnaces and utilized others. The final result was very bad for the Kanawha Valley. This trust agreement was virtually a model for some of today, having

all the fundamentals of the modern agreements. Not an essential was left out. A remarkable legal incident in regard to this trust agreement and to the operation of the salt companies under it occurred in a suit brought by the Salt Company before the County Court of Kanawha County. The County Court was presided over by Jacob Goshorn, a clear headed man who had studied law but had never become a practising lawyer. Mr. Goshorn held that the agreement was a trust and under the common law illegal and dismissed the suit, ruling that the contract was against public policy. Upon appeal to the Circuit Court, the Circuit Judge held that the trust agreement was legal and reversed the County Court. The case was taken to the Supreme Court, the decision of the County Court was upheld and that of the Circuit Court was reversed.

I was in court in the spring of 1882 when Mr. Isaac N. Smith handed in a decree dismissing and settling the famous old salt case of Dickinson and Shrewsbury. This was the Jarndyce versus Jarndyce of the Kanawha Bar. I remember Mr. Smith's speech concerning this case. It was a very beautiful and touching address. The case had been pending for about sixty years and was a very remarkable piece of litigation. Mr. Smith in glowing language told the court of the great industrial and political changes that had taken place in the world and especially in this country since the institution of that suit,—the Mexican War, the great Civil War of our country, the rise of Germany, the War of 1871 and others. Mr. Charles Hedrick arose and asked that the court appoint a day for the formal obsequies of the case. It was set for Saturday following Mr.

Smith's statement. I regret that the wonderful and interesting history detailed by the lawyers was not preserved. I remember, however, the origin of the suit. Dickinson and Shrewsbury, two farmers over on Goose Creek, Botetourt County, Virginia, met casually one day and one remarked to the other that it would be a good thing to start a little store on the Creek. They agreed and opened the store and Shrewsbury put in \$100 and Dickinson \$200. The store prospered and they both attended it. They opened another little store in the country. They then bought a farm with the proceeds of the two establishments and afterwards purchased still another. Next they concluded to go out and look over the Kanawha Valley, which they did. They bought a salt furnace here with the proceeds of the joint properties. With these proceeds, they bought another furnace. They were enormously successful and became the great salt producers of the Kanawha Valley. After many years of successful operation they concluded to make a division and settlement. Shrewsbury said, "I will take this furnace and you take that one. I will take this store and you take that store. I will take this bunch of slaves and you take that bunch. I will take this farm and you take that one," and so on. This was after about forty years of operation in which they had both actively engaged. Dickinson said, "No, that is not right. When we began you put in \$100 and I put in \$200 and we ought to divide everything that way, because everything came from the proceeds of the store at Goose Creek. Now, I will take these two farms, you take that one. I will take these furnaces and you take that one. I will take these stores and you take

that one." Of course this produced a great controversy and they and their heirs litigated each other for over sixty years until by compromise and settlement and death the affair was closed. It is related that when Dickinson was about to die, he and Shrewsbury still being at odds, the latter went over to see him. Shrewsbury heard that Dickinson had gotten religion and had forgiven all of his enemies. He got up close to him and said, "Dickinson, I want to know if, notwithstanding all of our troubles, you forgive me." He says, "Yes, Shrewsbury, if I die I will forgive you, but if I live, I will give you hell." He lived and the merry war went on.

Isaac N. Smith, who tendered the Dickinson and Shrewsbury decree, was about the first illustration of the business lawyer at the Southern West Virginia bar. He rarely ever made a speech in court, although he was very fluent when he desired to be. His attention was given largely to business law. He was the first, in collaboration with Mr. Quarrier, to draw a contract for coal mining. He and Mr. Quarrier practically originated the coal lease as it was used then and is now used in the Kanawha Valley. He had a remarkably clear head and a careful business mind and drew these contracts with enormous care and particularity, and practically worked out the coal lease which we have today. I was looking over one of his leases not long ago. It was in the days of longhand writing, and I was amazed at the labor and care which he took in writing and re-writing that ten page document. Mr. Smith devoted himself practically to the business end of the bar and was a pioneer in the Valley in that branch of the law. He had great faith in the develop-

ment of this Valley and predicted that it would one day be a great coal country. Sometimes when hearing him talk, I thought he was dreaming, but I have long since found out that, even with his far reaching thought about this country, he had only touched the edges of its development.

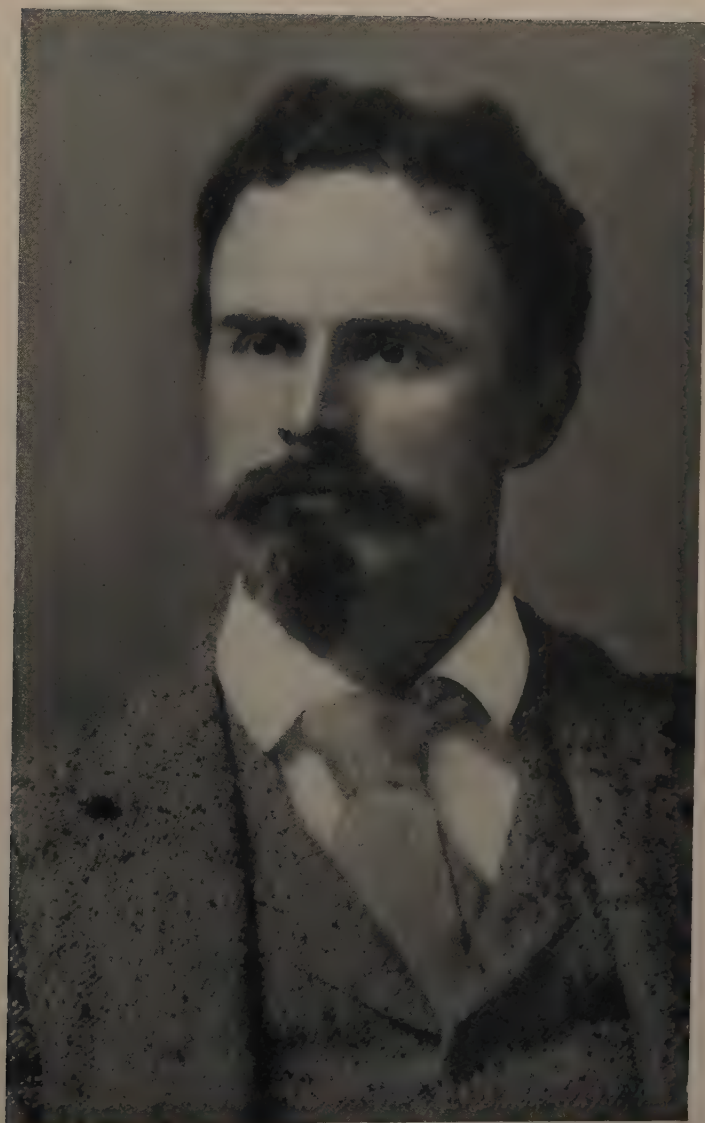
Anent the coal development, my partner, Joe Chilton, was telling me of attending a meeting about 1871 at the old Hale House in Charleston. An article from the London Times had been printed by the Cincinnati Enquirer. It mentioned that Colonel Imboden had sold in London a tract of coal land on New River. A number of people in Charleston who did not believe that there was any coal on New River assembled in a meeting which Major Chilton as a boy attended, in which they passed a resolution that the sale of this property which did not have any coal on it would seriously hurt the business interests of this section. A subscription was taken up and a cablegram was sent to London to the London Times warning the English people that there was no coal on New River. The tract of land so sold was the heart of the New River coal field, which is now one of the most valuable coal fields in the world.

When I came to the bar, Mr. Samuel A. Miller was confining himself almost entirely to several important land cases. He was one of the most erudite land lawyers at the bar and was very able before a jury and the court. Mr. Miller was not a large man and not very strong physically, but he had a clear, resonant voice and his mental activities were always decisive. He grasped a legal proposition quickly and when he took hold of it, he never left it until every thread of the skein was unwound. He had

been in the Legislature of Virginia in the olden days and had much to do with the drawing of the land laws west of the Alleghanies. After that he had been in the Confederate Congress and was considered one of the strong men in the Southern Congress. He initiated much of the legislation adopted by the Confederate Congress, and whatever he put his hand to was wisely and broadly conceived and carried out. He argued many cases in the Supreme Court of the state and Judge Hugh Sheffey, a great authority, told me that Mr. Miller's argument in the Salt cases before the Supreme Court of Virginia was one of the strongest arguments he had ever heard. He was afterwards a member of the Legislature of West Virginia, thus having had a most varied legislative experience.

He was a man genial in manner and always courteous and kindly. I remember when I came to the bar, he was one who introduced himself and gave me the encouragement which is so important to almost every young fellow who begins to practice. He was in all of the important land cases which were tried in the Federal and State Courts throughout this section and was thoroughly familiar with all the litigated points, lines and corners. The cases deciding all the questions of the land law were on his fingers' end, and they were always thoroughly digested. In presenting a case to the jury, he was remarkably able and convincing. His experience had been a most interesting one, and all of the great men of the South he knew intimately. He was an intimate friend of John Randolph Tucker, and a gentleman told me one day of witnessing a funny incident in Washington to which Mr. Miller was a party. He said he was leaving the Capitol building

and with others walked down to the Peace Monument and entered a car. John Randolph Tucker was in the party, which was a very distinguished one. Mr. Tucker had just made his great argument in the Virginia Tax case, a speech that made the soul of every Virginian who heard it throb with pride at the great learning and eloquence of Virginia's counsel. When they got on the car, which had only one or two men in it, they all noticed that Mr. Tucker walked over and sat down almost on top of a quiet little man who was sitting on one of the long side car seats. In a moment or two Mr. Tucker pushed up nearly on top of him and the gentleman moved up, and in a little while Mr. Tucker pressed over on him a little closer and then everybody knew that there was something on hand and gave their attention. The gentleman moved over very politely, but Mr. Tucker pushed over against him again, and this kept up until he had him crowded into a corner and was sitting almost on top of him. Finally Mr. Tucker said, "Have you been up to the Capitol, sir?" "Yes," the gentleman replied, "I have been to the Capitol." After shoving him up a little closer into the corner, Mr. Tucker said again to him, "Sight seeing in the Capitol?" The reply came with some asperity, "No, sir. I have been in Court." Said Mr. Tucker, "Oh, you have been in court. Have they had you as a witness?" "No, sir, not as a witness; in the argument of the cause," he replied, a little more sharply. Said Mr. Tucker, "You have been trying a case. You are a lawyer, are you?" The old gentleman's voice was beginning to ring as he replied, "Yes, sir." Well, Mr. Tucker walloped him a little closer into the corner and said, "Where are you from?" He replied



W. A. MACCORKLE DURING THE CAMPAIGN FOR THE GOVERNORSHIP

that he was from West Virginia. Mr. Tucker said, "What part of West Virginia?" "I am from Charleston, Sir," was the very curt reply. "Oh, yes, from Charleston, way out in the mountains. Well, do you know anybody out there?" The other gentleman, "Yes, I know everybody," and by this time there was a good deal of indignation in the old fellow's voice. After shoving him up into the corner a little farther, Mr. Tucker said to him, "Now, do you know an old fellow out there by the name of Sam Miller? I presume, though, he is dead and gone years ago." Mr. Tucker had served in the House of Delegates in Virginia and also in the Confederate Congress with Mr. Miller and they had been very close friends, but they had not seen each other for years. On a critical occasion Mr. Miller's legs had not been as steady as they should have been. The gentleman replied, with some acerbity, "Yes, sir, I know Mr. Miller, and he is not dead." After shoving him up a little closer, Mr. Tucker said, "How are old Sam Miller's legs?" The old gentleman reached in his pocket and took out his eyeglasses, gave Mr. Tucker a long look and said, "Damn you, Ran Tucker, is that you? Won't you ever learn to behave?"

In this brilliant coterie, although younger, was Mr. Wesley Mollohan. He was not a fluent speaker although always able and logical in argument, either before the jury or court. He was an able land lawyer and was wise in his judgment about all law matters. He was an extremely interesting man. His knowledge of the details of the law was prodigious. He knew where to find every decision and understood thoroughly the scope of the same. This was remarkable, for he was never known as a student and was not

thought to give much of his time to the study of the books yet he had a deep knowledge of the law and of the decisions. It was very hard to get a direct opinion out of him. He was a very mysterious man. I remember the first case that I tried against him, the mysterious things that he was going to do and the mysterious manner in which he advised me that I had better not go along with the suit were far reaching and terrifying. He was full of quaintness and was open-handed and kindhearted. He had a great fund of a dry kind of humor. I remember one time when he was in court and was very much worried by a suit against him. He had gotten into trouble by signing his name to a bond and after a hard day in the court defending the suit, Mr. Charles Hedrick asked him why he went on that bond. Mr. Mollohan looked around to see if anybody was near to hear what he had to say and then not being sure whether he was entirely secure in the privacy of the information which he was going to impart to Mr. Hedrick, he took him over in the corner of the bar and said, "Now, Hedrick, do you really want to know why I went on that bond?" Hedrick, who was impressed by the mystery of the thing, said, "Yes, I would like to know." "Charley," said Mollohan, "I think I will tell you but I want it absolutely professional." Mr. Hedrick, who had a great ear for any little piquant bit of news that was around, was eager for this information. Mollohan said, "Wait a little bit till I get through over here." He went over and discussed some matters with the court and then came back, took Hedrick by the arm and marching him over in another corner of the bar, in a most mysterious manner, said, "Now, Hedrick, do you really

want to know why I went on that bond?" Hedrick said, "Mollohan, I do, and I will promise never to say anything about it." "Well," he says, "I have a mind to tell you. Come out here. I cannot talk here so people won't hear me." He took Mr. Hedrick by the arm, marched him out under the trees and after looking around mysteriously, he again asked, "Now, Hedrick, do you really want to know why I signed that bond?" Hedrick says, "Yes, I am very much interested." Mollohan looked around to see if anybody could possibly hear and then he took Mr. Hedrick about fifty yards farther away around back of the court house right under the window which was next to the judge's bench. I was sitting at the window and saw and heard the whole performance. After bringing him clear around to the back of the court house and looking to see if anybody was about—I was immediately over him not more than four feet above him—he said, "Now, Hedrick, I am going to tell you why I signed that bond, but it must be strictly professional. Do you really want to know about it?" and he looked everywhere to see if anybody heard him. Said Mr. Hedrick, "Yes, yes, I am very anxious to know about it." Mollohan with a face full of mystery, solemnly got up just as close to Mr. Hedrick as he could. "Well, then I will tell you why I signed it. It was because I was a damned fool," and looked as if he had imparted the greatest secret in the world. The look that passed over Mr. Hedrick's face was killing.

While Mr. Mollohan had this fund of dry humor, he was perfectly helpless when any one got advantage of him in the same way. When the District of West Virginia had been divided into two divisions and

Judge Jackson was retiring from the bench of the Lower District, the bar of Kanawha gave him a handsome banquet. During the banquet he was responding to the toast of the honor guest and was relating his experiences of over thirty years on the Federal Bench, giving, among other things, with some elaboration, the details of his having been shot at, and said that he was never able to find out who had shot at him. It was a largely attended banquet, and the Judge told the story very dramatically and there was a dead silence of interest at this point. When he was closing the recital, Senator George E. Price, who also has a vast abundance of dry humor, with much solemnity, rose to his feet and said, "Mr. Toastmaster, I would like to have the privilege of interrupting Judge Jackson, if it would be allowable." The writer was the toastmaster, and immediately asked Judge Jackson's consent for Senator Price to interrupt him. Judge Jackson granted the permission. Senator Price said, "Judge Jackson, I know who shot at you and I have long wanted to tell you. I thought, however, it was my duty to wait until the statute of limitations barred the crime. If you desire to know, I will now tell you." The silence was very intense. Judge Jackson immediately responded to Senator Price by saying, "Senator, I have for thirty years wanted to know. There has hardly a week gone by that I have not wondered who tried to shoot me." Without the batting of an eye or the quivering of his lips, Senator Price replied, "It was Mr. Wesley Mollohan," and down he sat. Mr. Mollohan was the most surprised looking man I have ever come across and everybody joined in the hilarity which the statement produced,

especially as Mr. Mollohan came from Braxton County, where it was reputed that about that time of the war there was a good deal of bushwhacking. Mr. Mollohan knew everybody and nearly everything and when I met him the next morning, he remarked in his dry mysterious way that while he had nothing to do with the shooting of the Judge, if he wanted to, he could tell a good deal about it.

The old foolish anecdote about the sheared sheep actually occurred spontaneously to Mr. Mollohan. As they were riding across the woods, Mr. E. B. Dyer remarked to Mr. Mollohan that some sheep nearby were sheared. Mr. Mollohan said, "Yes, on this side." When I think of Mr. Mollohan, particularly in this direction, I am reminded of a conversation which I once had with my friend Lis Young. Lis Young is a great lover of horses, and one day, when he and I were having a horse conversation, I asked him who was the best judge of a horse in Kanawha County. After considering some time, he said, "I believe in Kanawha County the best judge of a horse is Dave Taylor," and then hesitated a little bit, adding, "If you can get his judgment." Now, Mr. Mollohan fitted this description perfectly. If you got his judgment after mature consideration, it was an infallible judgment on the law. I always considered him a very able lawyer. He was profound in his judgment, saw all sides of the case, the difficulties and perplexities quickly came to him, and as an adviser about a law proposition he was a man of great ability. He was a safe lawyer. He never shone as a jury lawyer, although I have heard him make some splendid arguments before a jury. He was full of the learning of the country, and when

he died there went with him the greatest amount of information concerning the traditions of this country, the people who lived in the country, the Indians, the first settlers, the tracts of land and the litigation concerning them, and the lines and corners in all the important land cases in the country. He was filled with this information, all of which played a most useful part in his professional life. His judgment was always relied upon in the olden days by the leaders of the bar, for, while not pretending to shine at the bar with the brilliancy of Kenna and Ferguson, Knight and Quarrier, and men of that type, he was their equal in all the fundamental essentials of a good lawyer. He was strong in the presentation of a case. His papers were admirably drawn. The salient point in a law case was quickly apparent to him and his advice was held of great value.

Mr. Mollohan used to delight in telling stories which nearly always had a country twang to them. I was struck with the glee with which he told his conversation with Squire Price. Squire Price was a justice of the peace of Elk District, when under the old constitution two justices sat with the presiding judge in the County Court. After Price had passed two or three days on his first court, which had jurisdiction of civil cases up to four or five hundred dollars, Mollohan asked him how he got along. Price said, "Well, Wes, I get along fine on constitutional cases, but when it comes to those damn gomorrahs, they get me mixed up."

Mr. Mollohan in wet and dry weather carried a cotton umbrella. It cost about \$1.25. Some people at Webster Springs who saw him carefully carrying the umbrella concluded to ask him why he did it.

One of the young men said, "Mr. Mollohan, we would all like to know why you habitually carry that umbrella. It does not seem to make any difference whether it is wet or dry." Mr. Mollohan looked at the umbrella and then looked at the young man. He said, "Sir, in the first place, I have the constitutional right to carry this umbrella. Secondly, I paid \$1.25 at Woodell's store for this umbrella, and thirdly, it is none of your damn business."

Mr. Mollohan had been ill. Mr. Malcolm Jackson, a friend and neighbor, passing the Mollohan home one morning, saw him coming out and waited for him at the sidewalk. Mr. Mollohan approached slowly and solemnly and seemed very much depressed. As he joined his friend the latter, somewhat alarmed over his appearance, inquired after his health. After a long impressive pause Mr. Mollohan delivered himself as follows:

"Malcolm, I feel as Daniel Webster did, in his last days. When Mr. Webster was confined to the house in his last illness, one of his relatives came to see him and expressed the hope that he was getting better. Looking as if seeking eternity with those deep cavernous eyes and with that majestic voice, Mr. Webster replied, 'I feel like a house that is shaken by the storms of time. The roof leaks, the windows rattle and the doors creak on their hinges, and the saddest thing of all is the landlord has notified me that he can make no repairs.' Isn't that grand?" finished Mr. Mollohan, and having cast off his burden he brightened up and walked down the street in a thoroughly cheerful frame of mind.

Colonel Benjamin H. Smith had retired from practice when I came to the bar, and was then only

giving attention to a few of the cases in which he was interested. He had filled a great place in the profession and was one of the greatest common law lawyers in the state of Virginia. He was a master of the intricacies of the land law in West Virginia. As a matter of fact, he and Judge Ferguson and Judge Price had practically written the greater part of the land statutes relating to West Virginia. Many of these statutes were written especially for West Virginia and applied only to the peculiar conditions of this portion of the state. He had a simple, straight and direct method of dealing with law questions. He made use of a few great principles, and his effort in the trial of a case was always directed towards its reduction to these.

His greatest opponent in the trial of cases was Judge George W. Summers. If Judge Summers obtained the conclusion on Colonel Smith, there was very little hope for him. If Colonel Smith, with his mastery of the principles of the law and with his ability to lodge them in the minds of the jury, was able to obtain the conclusion, the probabilities were, I am told, that he would defeat Judge Summers. His mind was an analytical one and after years of contesting with Judge Summers, his method was to cull out amid the wonderful flowers of Judge Summers' argument a weak point and hammer away at that until the destruction of this point would, in a way, weaken the whole of Judge Summers' argument. He did not possess the learning or the eloquence of his great opponent but in the mastery of the common law principles he was the equal of any man of his day. This was his great strength.

I remember when I first met him. Like most old

men, he was looking backwards and the days of his great physical prowess were the sweetest days to him. I was told of the great contests between him and Judge Summers, and was reminded of how as a young man, I had listened once to the trial of a great case in Virginia between Colonel John B. Baldwin and Judge Hugh Sheffey, two of the greatest lawyers in the legal history of that state. Colonel Baldwin was a man somewhat on Colonel Smith's legal as well as physical lines. He was a massive, splendid, handsome man, with a majestic appearance, and before the court and the jury cared little for the flowers of the argument or for the ornamentation of eloquence. He knew the law and thoroughly grasped its fundamental principles, and like Colonel Smith, used these fundamental principles with great effect before a jury. Judge Sheffey was thin, spare and intellectual in his personal appearance, and was one of the most cultured, learned and technical lawyers at the bar of Virginia. He was filled with eloquence and had mastered the complete technique of the law. I watched these two distinguished men, two giants along their different intellectual lines, contest with each other in this case. From the deep fountain of his eloquence and profound knowledge of the law, Judge Sheffey would unwind thread after thread and enmesh the case with a vast network of learning which usually would render his opponent helpless. I was struck with the energy and the sureness with which Colonel Baldwin, with his great mastery of the deep principles of the law and his strong common sense, would clutch in his strong and sinewy hands the meshes of the law woven for his destruction by Judge Sheffey and tear them to pieces by his appli-

cation of the cardinal principles; and then again, almost before the wreck of the argument had been cleared out of the way, Judge Sheffey would begin the weaving of another web, and again would come the hammer-like strokes of his great opponent.

This is a fair illustration of a contest between Judge Summers and Colonel Smith. It was a foregone conclusion, however, that if Judge Summers obtained the conclusion, Colonel Smith would have to appeal to the court to set aside the verdict of the jury or go to the Court of Appeals upon exceptions.

Major Nicholas Fitzhugh, who had a great reputation as a lawyer, was a member of the bar but had retired practically from the practice of the profession. I heard him argue one or two cases and was struck with the vigor and accuracy of his presentation of the cause before the court.

Major Thomas L. Broun was at that time devoting himself almost entirely to the management of his land matters in Boone and Kanawha. He was engaged, however, in several important land suits as he was a very learned land lawyer. I remember the energy with which the case of Pack versus O'Connor was tried by him in the Federal Court of West Virginia. He was a model of courtesy at the bar and was probably as familiar as anyone with the law and decisions in land matters concerning West Virginia. He was thoroughly conversant with all of the questions involving the great land title cases pending in his day. His energies, however, were largely directed to the development of Coal River. He was the most potent factor in the locking and damming of that river, and devoted a quarter of a century to the advertising of the region. The great

development of the Coal River territory is a monument to his sagacity and good judgment.

He was a gentleman of the old school, courteous, kindly and pleasant, and the most hospitable man I have ever met. Every year the old Bar was invited to his birthday celebration, and it was an occasion of good feeling unexampled. He was open handed, loving his friends devotedly, filled with a burning love of the South and devoted to its traditions, and most optimistic in his feelings as to the development of the country south of Mason and Dixon's line. In season and out, he spoke of the coming glory of the southern part of the United States and discoursed confidently of the time in the near future when it would be the seat of agricultural and mining life of our country. The great strides in the development of these natural resources of the South are proofs of his wisdom.

Major Broun, like most of the old type of Virginians, was quite fond of a mint julep, and with the hospitality that characterized that class of gentlemen, would often invite some of his friends to join him in imbibing his favorite beverage. During the terms of the Federal Court his ofttimes guests on such occasions were Judge John J. Jackson and Mr. Joseph Ruffner. The Major and the Judge and Mr. Ruffner quite frequently got together on the one proposition that needed absolutely no debate. After the influence of the julep had mellowed the situation, there was one story that was invariably related either by the Major or the Judge, whichever could get the floor first. "I was a much younger man than either of them," says Mr. Ruffner, "and with modesty natural to my youth and my respect for older folk, I

sat and waited on each occasion to harken to that oft told tale which for generations has been the concomitant of mint juleps. While I had long before been over-familiar with the story, yet the fact that these very old gentlemen could not avoid telling it each and every time afforded me great entertainment. The story ran thus: A gentleman from Virginia many, many years ago, was riding along a road in Kentucky, and stopped for dinner at a house by the road side which was the home of a genial gentleman such as abound numerously in that fine old State. The first attention offered the guest was a drink, and he, having observed as he rode into the yard, a fine bed of mint, suggested to the host that a mint julep would be most acceptable. The host expressed his entire ignorance of such a beverage, and was at once enlightened as to its make-up. The mint was speedily procured and the julep fabricated, greatly to the delight of the host, who pronounced it "Equal to the nectar that Jupiter sips."

"The stranger went on his way, and in the course of several years found himself again at the Old Kentucky House. Upon enquiring for his former host, an old negro informed him that he was dead. 'How came he to die?' he was asked. 'Well, Boss, it was this way. About three years ago a gentleman from Ferginney came along and taught him to put grass in his liquor, and he got so fond of it that he died from drinking it.' An eloquent tribute to the julep.

"That is the old, old, story. There isn't a great deal of wit or humor in it, but there is probably no other known so well or so often recited among the old timers in the South. Both these old gentlemen,

however, laughed as heartily over it as though it were entirely new and full of fun. And it was their enjoyment of it and the never failing relation of it when they met under the circumstances that made it entertaining to me. I could have safely wagered all the buttons on my clothes that the story would be forthcoming before the session closed."

The Major lived until he was upwards of ninety years of age. Through nearly all of his long life he had observed without any omission the celebration of his natal day. This day fell on the next day after Christmas. To this celebration he invited certain old congenial friends—those, namely, who had sympathized with the Lost Cause.

The principal event of the evenings was the brewing of a large supply of egg-nogg, and it was the duty of the gentlemen, under the direction of the universally loved hostess to do most of the more difficult portion of the labor involved—that is, to beat the eggs, and sample the ingredients. Into the mixture went all sorts of the very best of liquors, brandy, rum, madeira, &c., and when the nogg was completed there wasn't on the surface of the earth, in the waters beneath, or on Olympus, where the gods dwelt, anything to equal its soothing and seductive flavor. Pending its consumption, the Major would produce his favorite pictures of Lee and Jackson, and of the horse "Traveler," which General Lee had ridden all through the war, and which was owned by the Major before it became the property of the General. The Major would then narrate the story of the battle of Cloyd's Mountain, Virginia, in which he participated, and was therein dangerously wounded. To illustrate his story he would exhibit the trousers worn

by him on that occasion, showing a bullet hole on each side shortly below the waistband. The bullet had seemingly gone through his body, and from its effects the Major never fully recovered.

The next thing on the program was the dancing of the old Virginia Reel, in which all present took part. After which, all the ladies kissed the Major and the guests departed filled with the sweetest impressions of the gentility and hospitality of the host and hostess.

Long, long, may my heart with such memories be
filled,

Like the vase in which roses have once been distilled.

You may break, you may shatter the vase if you will,
But the scent of the roses will hang round it still.

The ability of the men of the Southern West Virginia Bar was once pointedly manifested in a certain important case which I feel should be related here.

C. P. Huntington, the great railroad builder, had constructed the Chesapeake and Ohio Railroad through Southern West Virginia. His plan was ultimately to complete the transcontinental road, and to tap the Lakes. Naturally, he wanted no rival in this territory. The Seney Syndicate decided to build a road from the Lakes to the sea coast in Virginia, practically bisecting the Chesapeake and Ohio system. The Syndicate constructed the Kanawha and Ohio as part of their system through the state of Ohio and through West Virginia as far as Charleston. From Clifton Forge they purchased the canal bed of the James River and Kanawha Canal, and upon it built the Richmond and Alleghany Railroad to Richmond, Virginia.

The contest arose over the construction of the road through the narrow New River Valley. This was the real backbone of the controversy, and here was the heart of the legal fight. Mr. Huntington opposed the construction of the new road through his territory. The case came on in the United States District Court sitting at Charleston, presided over by Judge Jackson. The Seney people had brought a great array of the most distinguished counsel in the United States from Chicago, New York, Cleveland, Cincinnati and Columbus. Mr. Huntington's counsel included the most distinguished lawyers of the Eastern bar. Mr. Quarrier, Mr. Hogeman, Senator Kenna, Judge Ferguson and Mr. Knight were retained as local counsel.

The case came along on all the questions of jurisdiction, time of institution of proceedings, priority of appointment of receivers, creation of corporations, and class of corporations and time of occupation of the ground. Every extraordinary writ known to the law had been used in the case. The air was full of mandamus, prohibition, certiorari and injunction processes, and all of these matters were massed together and thrown at once at the head of the court. The opening of the case was made by the foreign counsel. The members of our bar, who were local counsel, stood aside. After the distinguished foreigners had made their statements, Judge Jackson, in his impatient way, turned to Mr. Quarrier and said, "Mr. Quarrier, what is your view of this matter?" Mr. Quarrier arose and in a most masterly manner far superior to anything that had been said in the case up to that time, gave his views in a statement of twenty minutes. At the end of it,

Judge Jackson said, "Mr. Knight, do you agree with Mr. Quarrier?" Mr. Knight arose with his kindly smile and rubbing his hands as was his wont, said, "Yes, your Honor, Mr. Quarrier has gotten at the real meat of this case." He then followed with a presentation of the cause which continued for half an hour and made the foreign lawyers listen with amazement. The hearts of the local lawyers at the bar tingled with pride. Mr. Knight had hardly finished his statement before Judge Ferguson, who represented Mr. Huntington, was on his feet, and with the great, ponderous motion which he always used with his right hand, said to the Court, "May it please your Honor, I differ with my brothers Knight and Quarrier and want to give you some reasons why their position is not sound." Without looking at a book for an hour and a half, he delivered a great discussion of every phase of the question. The three statements were incomparably superior to anything which had previously been made. Before he had taken his seat, Mr. Hogeman was on his feet, the absolute antithesis in mind, body, expression, of Judge Ferguson. With a cutting voice and clean, incisive expression, clasping the keen-edged rapier of the law, he took issue with Mr. Knight and Mr. Quarrier in an argument which was of splendid ability and brilliance. The jurisdictional phase of the matter was closed by Senator Kenna. He began his argument at ten o'clock in the morning and continued until half-past twelve. It was a great legal argument. He was at his best for he knew that he had to give his best and he exceeded expectations.

From this time for four days, with one exception, no one of the foreign lawyers ever made a statement.

The one exception was Lawrence Maxwell of Cincinnati, then a young man, who afterwards became Solicitor General of the United States and is closing his career as one of the great lawyers of the country. It was a contest between the local counsel, and with the exception of their advising as to the closing of the business end of it, the foreign counsel had not part nor lot in the cause. They were out-classed in grasp of law, understanding of the principles of the cause, vigor of expression and ability of statement by the local members of the bar, and from this date the litigation which continued for three years was entirely in the hands of the local counsel.

Speaking of this cause, I will be pardoned for mentioning a phase of it in which the writer was interested. Two receivers had been appointed, one in Ohio and the other in West Virginia, and the legality of the certificates was based on their jurisdiction. I represented the certificates which were issued by the receiver in West Virginia as well as a large part of the certificates issued by the receiver in Ohio. I was safe on my West Virginia certificates but the ice was a little thin as to the legality of the Ohio certificates. The matter was to be settled at Parkersburg, Judge Jackson's home. Mr. Quarrier invited us to go there with him in a private car. I accepted the invitation and since I largely depended upon personal intercession with him to obtain my Ohio certificates, in case of a fight, I loaded up a good-sized gripsack with my authorities. I got along at Parkersburg without my books and my receivers' certificates were allowed. When going home in the car my grip accidentally flew open and

my books tumbled out. This was in Mr. Quarrier's presence, and he turned to me and said, "What are you doing with all of those books?" As I had my receivers' certificates, I replied in the language of William Tell to Gessler, "To slay thee, tyrant, had I killed my child!" He said, "Aha! If you are carrying books on me, I am going to have your decree stricken out now." But he never did.

I made enough money out of this case to pay off all my debts. I think possibly that the reason why I look back to that case with so much pleasure is that it was the only time before or since that I have been out of debt.

CHAPTER VIII

CONTINUED—THE BAR OF KANAWHA. MASON AND
JACKSON

MAJOR J. M. LAIDLEY was a prominent member of the bar. He had been a lawyer as well as a very able business man and he had been largely interested in the salt industry throughout the Valley. He had played a great part in the development of this part of the state. He was giving his attention to special cases when I came to the bar, and I have said elsewhere, was an inveterate circuit rider and regularly attended the Boone and Logan courts.

Judge H. O. McWhorter was an active lawyer, interested largely in the business of the bar. He was a peculiar man in that he never sought public office and yet his party and the people seemed to devote their time to thrusting offices upon him. He was solicitor of the City of Charleston, Mayor, Postmaster of Charleston, Prosecuting Attorney of Kanawha County, Member of the Legislature, Speaker of the House of Delegates of West Virginia, on endless commissions and a member of a multitude of conventions. Nominated by his party for judge of the Circuit Court, he was afterwards elected to the Court of Appeals of West Virginia, and held many other high positions. He was careful in his management of affairs, and was a man of great influence

throughout West Virginia. He was also a leader in the Methodist Episcopal Church and occupied a most responsible position in that great organization. Kindly and open-hearted, he shone as one of the strongest men before the people that the Kanawha bar has ever produced.

Colonel T. B. Swan was then in full practice in land litigations. He was never considered a learned lawyer, but he was a great field manager in a case, had a great knowledge of the land law and possessed a kind of ability that made him very dangerous in court. I once witnessed an occurrence in court, to which Thomas Nelson Page or some one of the great story writers describes an almost parallel incident. Colonel Swan was prosecuting a case for breach of promise. He was before the jury, making the most fervid appeal for his client. The old fellow was full of emotion and the tears were running down his cheeks as he turned with a most dramatic gesture to his client and instanced his sorrow and feeling, but when he turned the attention of the jury and the court to his client, who was supposed to be in such distress, and everyone looked towards him, the latter, instead of being full of sorrow as was the Colonel, had a tremendous grin on his face and was enjoying the publicity. It quickly broke up the Colonel's emotional episode.

Incidentally, however, he instituted some of the largest land cases at the Bar and was very successful in winning them.

I witnessed a case in Court with Colonel Swan for the plaintiff and John Kenna for the defendant that was full of fun from the beginning to the end. It seemed that an Irishman by the name of Carwithen

hurt one of Littlepage's dogs and Littlepage gave him a whipping for it. Carwithen had been injured and one of his arms hurt, and he had brought suit against Littlepage for a large sum. Colonel Swan, in aggravation of damages, undertook to prove Carwithen's affliction, and after proving the fight and Littlepage's assault on him said to him, "Mr. Carwithen, are you afflicted in any way?" He answered, "I am." He then said, "State to the jury how you are afflicted." "Well, sir, I have a wife, five children and the rheumatiz." Further along in the case Colonel Swan asked him, "How far did he knock you when he struck you?" He answered "Twenty-three feet and I don't know how many inches."

When Kenna, who was defending Littlepage, was cross-examining him, he asked, "How far did you say he knocked you?" Carwithen answered, "Twenty-three feet." "How do you know?" Carwithen answered, "I measured it. Three panels of fence, eight feet to the panel, that makes twenty-four feet, don't it, Mr. Kenna?" "Well, why did you say twenty-three feet and so many inches?" "Why, Kenna, didn't I say twenty-three feet and I didn't know how many inches."

Colonel Swan was a most charitable man, both in speech and action. In a conversation with two lawyers about a member of the Bar recently deceased, they expressed themselves in the most vigorous manner about his character, and one of them as a closing shot said that although he was dead, he was a tremendous hog. He was so full-handed with the proof of his assertion that Colonel Swan could only say "Yes, but he was a good hog."

Captain John S. Swan, the brother of Colonel T. S.

Swan, was one of the oddest characters at the Bar. He was an old Confederate Soldier and held the title of Captain by right and not by courtesy. He was never reconstructed and remained loyal to the Lost Cause until the day of his death. He was unmarried and possessed many of the idiosyncrasies common to the men who lead a single life. He was very eccentric, a learned lawyer, and a man of genius, but never, by reason of his peculiarities, able to make great progress in his profession. He was full of prejudice, particularly in political matters, and never under any circumstances, not by persuasion or argument, would he abandon his convictions. Mr. Ruffner says that one cold November morning he met him on the street on his way from the polls, where he had voted in the Grant-Greeley contest for the Presidency. At that same election Col. Blanton Duncan of Louisville, Kentucky, was running as an independent on the Democratic ticket for President. Ruffner stopped the Captain and asked him if he had voted, and if so, for whom, "Yes, sir," he replied, "I have voted, and I cast my vote for Col. Blanton Duncan of Louisville, Kentucky." "Why did you do that, Captain?" said Ruffner. "Well, sir," he said, "the Good Book tells us that five righteous men would have saved Sodom. Now Sodom was a great big city. If five righteous men would have saved a great big city like Sodom, one righteous man ought to save a damned dirty little town like Charleston."

He was Captain of the Kanawha Riflemen, a military organization formed several years prior to the Civil War, and which afterwards did excellent service in the Army of the South. He was very

much of a martinet in military matters, and quite resolute in enforcing his orders. Before active service in the Army began, a member of the organization had died, and the Captain directed that the departed should be buried with military honors. To this Dr. Brown, the leading minister of the valley, and who performed the last sad rites, objected, and forbade that anything of the kind should take place. However, the Captain called out the Company and had it present at the grave. After the burial services had been completed by the minister the Captain, drawing his sword, called the company to attention and addressed them as follows: "Soldiers, if it be a sin to discharge a volley over the remains of a departed comrade, that sin be upon me and upon my seed forever. Shoot!" The soldiers shot and the incident was closed. Needless to say that there were none left, after the demise of the old bachelor Captain, upon whom the sin could be visited.

With all his peculiarities he had a heart full of sentiment, and in his addresses to a jury he would presently wander off into the discussion of subjects absolutely irrelevant to the matter involved in the trial, and would talk at length, in strains of pathos, of many things that appeal to the softer side of man's nature.

Once I remember how, in a jury speech, he spoke of his love for the innocent and pure things, such as little children and birds and flowers. Among other things he spoke of a little child of his tenants on a farm he owned close by the city, and of how, on his frequent visits there, he enjoyed the presence of this small child, some two or three years old. "One

time not long ago, gentlemen of the jury," he said, "I was visiting my tenant and was sitting with that dear sweet innocent little child in my lap. There isn't anything under God's blue sky as sweet as innocent children, and I love to hold this one in my arms and study her innocent face, and wish I could be as innocent and free from wordly guile and evil as that child was. All at once something hurt her and the dear little thing began to cry. Its mother told it to quit crying and because it did not, or could not, the hard-hearted mother slapped its face. The poor dear child looked up at its mother with its innocent eyes filled with tears and its sweet little face distorted with grief, as much as to say 'What the hell did you do that for!'"

John L. Cole filled an unique niche in the Kanawha Bar. He was one of the best land surveyors in the country and was thoroughly familiar with all of the great land titles of this section. He afterwards came to the Bar and combined a splendid knowledge of land law with his information concerning the land titles. This made him very useful in any land cases pending. He had an infinite amount of wit and humor, with a wonderful ability for sketching things that were before his eyes, and the old books in the courts are filled with the likenesses of people who were interesting as lawyers, spectators and attachés. They are living likenesses.

One day he was in a most important land case and they did not want him to take a drink whilst the case was being tried. He met George Byrne on the street and said, "George, you know Quarrier does not want me to take a drink while I am in this case and I agreed not to do so, but just a few minutes ago

I met Sam Miller, who is in the same fix on the other side, and we concluded to pair."

Judge John A. Warth was then at the Bar and was presiding judge of the County Court. Then there was Colonel David Louis Ruffner, Mr. Charles Hedrick, Mr. S. S. Green, Messrs. Peter Fontain, J. H. Gray, W. S. Laidley and A. D. MacCorkle, who afterwards became City Judge, and Mr. George S. Couch. I once had an experience with Mr. Couch which exemplifies the character of the man. At one of my lowest financial depressions I was entirely broke but people did not know about it. Mr. Couch knew about it. I went to him and told him that I wanted thirty-five hundred dollars. I said, "Mr. Couch, you know I haven't a thing to put up for it and I do not care to ask anyone to endorse a paper, in other words I am broke." He said, "I know that, but I am going to lend you thirty-five hundred dollars anyway, for you are young and I know you will pay it back." He loaned me thirty-five hundred dollars from his bank without any security. I made a deal with that thirty-five hundred dollars that cleared me thirty thousand dollars and put me on my feet, and I owe an everlasting debt of gratitude to him which I always tried to fulfill in everything that pertained to him. It is but right that I should mention him in connection with this part of my life. He never said a word about it, never told anyone he had done it, but at one time I had an opportunity to return it and you may be assured I did. He was a decisive, clear-headed business man and a good lawyer and made investments which would have made him a vast sum of money had he lived to carry them out. Mr. W. S. Laidley was one of the first

pure business lawyers at the Bar and devoted himself largely to drafting contracts, very seldom going before the jury. Mr. C. P. Snyder was then prosecuting attorney of the county and afterwards became Judge of the Criminal Court of the county and Congressman from this district. He kindly allowed me room in his office when I came to the Bar.

Romeo H. Freer was numbered among the most eloquent trial lawyers at the Bar. He had led a most interesting life, having been consul general to Central America. Afterwards he left the Kanawha Bar and moved to Ritchie County where he established a great reputation as a trial lawyer. He was afterwards elected judge of the Circuit Court of Ritchie and later elected to Congress from that district, and was afterwards attorney general of the state.

Colonel B. W. Byrne was then a member of the Bar but was not in active practice. He was a member of the Virginia Convention of 1861 and voted against secession. He had been in the West Virginia Convention of 1872 and had practically drafted the provisions of the constitution relating to the free school system. He was afterwards elected superintendent of free schools of the State of West Virginia, and it was largely due to his ability and learning that the school system of West Virginia was placed so securely on its feet. Colonel Byrne was a walking encyclopædia of knowledge. I remember that we always started the political campaigns with a speech by Colonel Byrne because he went to the bottom of the situation and from that time on his speech was a textbook to the young fellows who were in the campaign.

Captain John W. Cracraft, a model of courtesy and

decorum, Mr. L. A. Martin, who afterwards became consul to Jaurez, Mexico, and Judge William L. Hindman, who had been elected judge of the Circuit Court of Kanawha County and had been impeached for allowing lawyers who had been in the Southern army to practice law, were all in full practice.

General C. C. Watts and my friend, Joseph Ruffner, are the only lawyers of the Kanawha Bar now living who were practicing here when I came to this Bar. Major Burlew was considered a most learned lawyer in admiralty proceedings and figured in all of the cases touching admiralty work.

He does not come within the purview of these pages, but it would not seem fitting that I should close these memoirs without mentioning my long time partner, Mr. T. S. Clark. He is a very wise and safe counselor, a very clear-headed and able lawyer, has a conservative, sweet disposition, and is a good friend. And through the years he has always been safe, genial and able.

I may say in passing, that the Bar of Kanawha County has just given a banquet to Hon. George E. Price, General C. C. Watts, Mr. D. C. Gallaher, Mr. Joseph Ruffner and Mr. James Menager in recognition of their fifty years at the practice of the law. These gentlemen were honored by speeches and encomiums upon their lives. General Watts I speak of elsewhere.

Senator Price is in many respects a remarkable man. He is of the fast disappearing type of the Scotch-Irish Presbyterian Elder. As a lawyer, he has the quality of mind that enables him to see very clearly what he wishes to see. He has a decisive mind and does not bother with all of the learning

that surrounds the general question at issue, but he does illuminate with a very full light the special question in controversy. He turns the whole vigor of his mind on that question. He does not see all the things that surround the grindstone—the trees, the foliage, the frame-work but he can see as far through the grindstone as anyone I have had dealings with. He is somewhat intolerant of other people's opinions, which arises from the fact that his opinions are founded upon conviction. That type of man provokes instant controversy. He is a forceful speaker, virile in his management of the subject, fearless in his statement, and goes to the bottom of the case. The only way to get along with a man so vigorous in his opinions is to maintain your view as strongly as he exercises his own. Senator Price is a natural lawyer, remarkable in his grasp of the real essentials of a case, of large experience, and his judgment upon a law question is most mature and safe. Whilst devoted to his profession, he loves politics, and the contrarieties that arise therefrom. He was President of the State Senate when the celebrated Camden caucus took place. He dissented from the action of the Democratic caucus which nominated Senator Camden and was the head of the opposition to the Senator. I would say that unquestionably his speech in opposition to Senator Camden's election by the Senate was the ablest made at that session of the Legislature, and in fact was one of the ablest that I have heard anywhere.

Mr. Ruffner has made a specialty of the accounting side of the law and has acted as commissioner in some of the most important cases that have ever been at this bar. He is a clear-headed lawyer, a

magnificent accountant, and makes the most complete Commissioner's report I have ever seen. Withal, he is a most genial story teller and after dinner raconteur, and he bubbles with stories and quips and anecdotes. Yet, he is retiring in his disposition except with a few friends. He has for years been high in the Councils of the Masonic fraternity and what he does and the decisions he makes, are accepted by that fraternity without question. He is a good friend, a charming companion, an engaging story teller, and a splendid citizen.

Mr. James Menager has not practiced a long time in this court. His life has been spent in Mason County, where he was once Prosecuting Attorney. He came from one of the French families that came down the Ohio River.

Mr. Gallaher, the other one of the gentlemen to whom the banquet was given has died after fifty years of very vigorous work at the Bar. Mr. Gallaher was a business lawyer, never trying cases. He was commissioner of accounts in all the courts and settled some of the largest cases in these courts. He has kept up the Old Virginia idea of hospitality which is so fast dying out. He has always been exceedingly active and only a year before his death retired from the field of his labors.

Mr. James F. Brown, Mr. Malcolm Jackson and Mr. W. E. Chilton do not come really within the purview of these reminiscences, Mr. Brown preceded me at the bar by about four years, and Mr. Jackson and Mr. Chilton entered the bar about a year after I became a member, but all three of them have been so distinguished at the bar and in public affairs, and

so closely connected with the Old Bar, that a word as to them would not be out of place.

Mr. Brown had a most distinguished career as a lawyer. He was the son of Judge James H. Brown with whom he began the practice of the law. He possessed his father's pertinacity, his ability to work, and in some ways, particularly as a discriminating lawyer, was the older man's superior. He did not possess the impressive oratorical ability of Judge Brown, nor did he strive for eminence in that direction. His life was given to careful, analytical study of the law, particularly as it applied to business and to the case at the bar. Judge Brown possessed a marvelous fund of knowledge which he had acquired by omnivorous reading and which he used effectively and prolifically in his arguments before the jury, the court and public audiences. Mr. James F. Brown aspired to none of this, but devoted his mind strictly to the proposition at hand. I believe that of all the men at the bar since I became a member, no one, when he came to the trial of a case, was better prepared than Mr. Brown. He did not desire the jury side and generally confined himself to the cases considered by the Court. As a land lawyer he had few equals in the South; as a draftsman of an intricate contract, he had no superior in my knowledge anywhere in this country.

He had not given his attention to politics, although he was elected once to the Legislature, but confined himself to the law and rose to be one of the leaders of the Bar in the South. I have thought that he would sometimes have been more effective if he had used the spectacular and striking elements of public discourse which were utilized so effectively by his

father. When he argued a case, the details were carefully gathered and deeply considered, and every phase was ably and thoroughly discussed. I think no one in the profession was more unerring in his conclusions as to the groundwork upon which to base an argument or found the principles of a contested case.

Mr. Malcolm Jackson has had a very distinguished career at the bar. His legal life has been most interesting and he has become one of the leaders of the profession in the upper South. He is a man of impressive appearance and a master of clear and lucid statement. I think he is only surpassed in this latter respect by two other lawyers of my acquaintance, the Hon. John H. Holt, of Huntington, and the Hon. John W. Davis, both of whom are almost uncanny in their statement of a case before court or jury. I wish Mr. Davis came within the purview of these recollections, because he is a most interesting person. I regret that he came after the men who must be included in this book. With thorough knowledge of the law, he combines a most pleasing personality, and engaging manner. He is a graduate of my old Alma Mater, Washington and Lee University, and taught law there for two or three years before he began to practice. One of his great powers is his lucidity in the statement of a cause. If he is not watched with immense care he will state the opposition out of court, and yet withal, make a fair presentation of the cause in hand. He has a great knowledge of the law, and surrounds it with most pleasing flowers of speech. He has also the most engaging manner of placing his position before court or jury. Mr. Davis is one of the most dis-

tinguished lawyers that Virginia or West Virginia has produced, and the great regret with me is, that he was not elected president of the United States, so that the country would have had the benefit of his ripe statesmanship, his splendid personality, and his vast experience in governmental affairs. I think he would have been one of the great presidents.

But to get back to my discussion of Mr. Jackson: he possesses the oratorical elements to a greater extent than did his partner, Mr. Brown. He is at entire ease before the jury and is more given to amplified discussion before a court and jury than was Mr. Brown. To a naturally very able legal mind, he has added that of a painstaking and careful lawyer, which combination has made him one of the most distinguished and learned lawyers of the Bar. He has tried many important cases in the highest courts of our country, and among the professional and business men his advice is considered as most careful and farseeing. Like Mr. Brown he has given little attention to politics but has devoted himself largely to the practice of the law.

I can not but tell a little incident that occurred when he and I were on our way to Clay Court House in a bond election. I sometimes carried a rod and line when I visited counties where court was in session. Mr. Jackson went with me to Clay Court House. I had a very experienced boatman and fisherman to row us, in fact, there were two boats in the party and two oarsmen. When we arrived at Queen Shoals we began fishing, being a day ahead of the court at Clay, and were successful at our pastime. I placed Cy Lee, a great fisherman, in a boat with Mr. Jackson. After lunchtime I noticed Cy

did not go back to Mr. Jackson, but put the other man in the boat with him. Mr. Jackson had brought in a four-pound bass for lunch. I got Cy out at one side and said to him, "Cy, this Mr. Jackson is not much of a fisherman but he is my guest and I want to show him as good a time as I can. Why didn't you go in the boat with him?" Cy looked at me awhile with a troubled look on his face and said, "Governor, I don't want to fish with Mr. Jackson." I replied, "Well, Cy, he is a nice man and not used to fishing on this river and I don't know why you don't want to fish with him." He replied, "Well, sir, I don't want to fish with no man what pulls in a four-pound bass without any change of 'spression' on his face."

Mr. William E. Chilton came to the Bar a little while after I had been sworn in. The relationship between Mr. Chilton and myself has been one which began almost immediately after his coming to the Bar. Differing from Mr. Brown and Mr. Jackson in his thought as to the future lines of his life, Mr. Chilton, while deeply versed in the law, with a pleasing and delightful address before the court and jury, always had his eye in the direction of politics. When the firm of Kenna & Watts dissolved partnership by reason of Senator Kenna's election to Congress, Mr. Chilton became Senator Kenna's partner and I became a partner of General Watts.

Upon the election of Mr. Snyder to Congress, Mr. Chilton was appointed prosecuting attorney of the county where he quickly became known as one of the ablest prosecutors in the state. He has tried some of the most important cases at the Bar in many portions of the state. He is a deeply laborious lawyer and is not only learned in the law but is very strong and

clear in presenting his argument to both court and jury. He has devoted much of his time to politics, at the same time has always been interested in his profession. Our relations from the very beginning of our acquaintance were entirely congenial. Like most young lawyers of the South, neither of us possessed any worldly goods. As a matter of fact, when I became acquainted with Mr. Chilton, I was sleeping on a table. Mr. Chilton possessed a bed. Within a short time he offered me part of his bed, and I frankly say that during all of these ensuing years the kindly relationship begun at that time has never been disturbed. We had many mischances, some few triumphs, but through all there was an under-current of hard vigorous work.

When we were sleeping together in our young days, we talked over our ambitions. Mine was to be Governor of the state. Mr. Chilton's was to be senator. Within a few years I was elected Governor of West Virginia, and afterwards when I was a member of the State Senate, in my speech nominating Mr. Chilton for the United States Senatorship, I recounted the fact, that twenty-five years before, when we were just beginning our lives we had both desired these important places. Mr. Chilton had carried out his part of our understanding and I was there to do my part in helping my young manhood's friend achieve his ambition.

Senator Chilton was elected to the United States Senatorship and achieved great distinction therein. He was considered one of the able men in that august assembly. His life has been one of varied incident which I would be delighted to mention here, but for the reasons which I have given above, I can only

briefly mention the three distinguished men, Mr. Brown, Mr. Jackson and Mr. Chilton.

Mr. Chilton has a most orderly mind, entirely logical, grasping quickly the points in the case. His mind is well stored, not only with the learning of the law but with interesting incidents drawn from the study of general literature and from a varied experience in life. He is not alone deeply learned in the law, but he is also very able in the presentation of the cause to the court and very ready and remarkably resourceful in the management of the case at the Bar. Mr. Chilton came to the practice in the southern tier of counties in about the last days of the circuit riders and was among the latest additions to this unique body of lawyers. To Senator Chilton occurred several experiences that are unique. He was the first man in West Virginia to try a case with a negro on the jury. The negro jurymen was Jim Bullard, a barber in the City of Charleston, and the case was tried the morning after the law striking "white" out of the jury system of West Virginia went into effect. On the same day he tried the first case where the accused was allowed to testify in his own behalf. He was the first lawyer at the Kanawha Bar to employ a stenographer in regular work. In those days the work was all done laboriously in longhand. In the latter years he has been giving his attention to editorial work upon his newspaper, *The Gazette*, and to political work, and the Bar has thus lost a lawyer of the first rate of ability. I believe that if I had an intricate case of great importance which had to be presented to Court and jury, that I would be as safe in trusting it to Senator Chilton as to any of the great lawyers of the land.

I know I will be excused when I mention these men, but their interesting and distinguished lives coming so close to the old Bar furnishes me ample excuse for departing from my rule in this reminiscence.

Mr. E. B. Dyer and Mr. J. W. Kennedy both came to the Bar a year or so after I became a member. Mr. Kennedy has since died. He was a very fine, pure lawyer. He paid no attention to business but looked after the law from a scientific basis, and was very successful in the practice.

Mr. Dyer has been a lawyer pure and simple and has given his attention to the business side of it. He is very skilful in the trial of land cases and is very familiar with this class of cases. He has very many times acted most acceptably as Circuit Judge and has often tried and decided important cases.

Judge Smith was succeeded on the bench of the Circuit Court of Kanawha by Judge Frank Guthrie, of Mason County, who held this important position nearly three terms. He was an able judge, quiet and unassuming in his personal life, and managed his court along those lines. He was a lawyer of ability, full of the learning of the law, and having a naturally analytical and logical mind he could scarcely repress himself during a case in which neither lawyer possessed these requisites. He was patient, attentive and honest. During a quarter of a century in which he held this important place, there was never a smell of fire on his garments. The Court was held quietly, and order and courtesy went along hand in hand with his administration. There was no back door to him. His decisions were rendered upon the law and the facts in the case as presented to him by the record. He left behind him the memory of

an able lawyer and a conscientious and honest judge.

The Bar of Mason was very active at this time and was brought in close connection with the Bar at Charleston. Henry I. Fisher, who had been a great figure in that section of the state and was for many years the head of that Bar, had just retired from the practice. He was a man of remarkably acute intellect and filled with personal peculiarities, vigorous in a way, very narrow but virile, and able to hold his own with any of the giants of discussion in the Virginia Conventions. His mind was of a very peculiar order. It was a narrow, penetrating mind, and he could see as far into a millstone as any other man of his day. His wit was vitriolic, and when he went into the Court House, Court, jury, judge, officers and audience were visited with a full share of the acidity which unbidden flowed from his lips. His tongue was like a two edged sword and was used with the utmost readiness and dispatch, but some times he failed as all men do once in a lifetime. In the Convention of 1850 in attacking Alexander C. Rives, one of the great debaters of Virginia, he alluded with asperity to the fact that the gentleman had spoken of the other delegates by their given names but spoke of him by his surname.

I quote from the record: "Mr. RIVES. If the gentleman wishes to modify the position which he took in his speech, I have five others fully committed upon the record. I paused at the time which has been referred to, and repeated the question twice, and no man can deny but that I stated him correctly. I repeat it that no man can deny but that I stated the gentleman correctly. I had only to say, in reply

to the inquiry just made, that considering the gentleman as not belonging to the king fisher tribe, I deemed it unnecessary to refer to his Christian name. (Much laughter)."

Charles Edgar Hogg, who studied law with Fisher, relates that once as the latter was trying a case, the opposing lawyer (who was making his argument before the jury) continually passed some object through his fingers, from one hand to the other. Finally becoming wearied of the gentleman's continuous motion, Fisher said to him, "Will you please tell me what you are passing in your hand?" The gentleman fixing his eye upon Mr. Fisher, said, "Brass, Mr. Fisher, brass (a coin), of which you have a great quantity." Fisher immediately replied, "I thought it was cents (sense) of which you have not as much as you ought to have."

Fisher was almost entirely a common law lawyer, and a trial with him was a battle without prisoners. He was considered the greatest draftsman of his day, yet the will he drew disposing of his own vast property was the subject of litigation in all the courts.

A near neighbor of Mr. Fisher's in Roane County was Judge Robert S. Brown, who was a good lawyer and a man who generally had the court and the jury and most of the bar in his hands before he got through a case. The lawyers complained of that situation. I found out the reason for his ascendancy. He knew the law more accurately than any other member of the bar. He cared for none of the ornamentations of speech, or for the sensibilities of the lawyers opposed to him, but went after the proposition at the bar in a direct and vigorous manner. He had been a

•

careful student of the law and was strong before a jury. In some ways he was a very big man. He had defended a great many people for murder. He was telling me once about being arrested the last year of the war when he was on the way to Calhoun Court to defend a soldier for murder. He had a way of letting things take care of themselves without saying anything—indeed, he was a man of very few words. When he was arrested, it was by a squad of this soldier's companions. Judge Brown told them that he was going to Calhoun Court to a very important case and suggested that they let him go; but they said that they intended to keep him there, and they kept him that night. The next morning at breakfast one of the soldiers remarked to a companion at the table that one of their men, Lieutenant Smith, was to be tried next day at Calhoun Court House for murder and that it would go hard with him, but that they had gotten a very strong man to defend him. Judge Brown quietly remarked, "Yes, I was the man who was to defend him and the trial comes off in the morning and I am not there. I expect they will hang him." The Judge remarked to me that the efforts of the soldiers to get him to the court in time to defend their comrade were prodigious.

Judge English of the Mason County Bar was nominated for the Supreme Court in the Democratic Convention of 1888. He lived in Point Pleasant and Mrs. Livia Simpson Poffenbarger was very much interested in his nomination. Anyone who had that lady enlisted in his cause was sure to go a considerable distance towards his objective. At that time, the women were not allowed in the Democratic Convention or any other convention and had

no vote. We had quietly slated Judge David E. Johnstone for the nomination for the Supreme Bench. Mrs. Poffenbarger got on the floor of the Convention and went to work zealously and assiduously to nominate English. She did not care how much fuss she made or how much confusion attended her efforts; she only wanted Judge English to win, and she and Mason County were about the only asset he had.

Before very long it was seen that Judge Johnstone had the call. Mrs. Poffenbarger got on the floor of the Convention and proceeded to make a speech in favor of Judge English. There were all sorts of calls and all sorts of motions to get her off the floor. She was not even a Democrat, nor a member of the Convention. She was a woman and she was making a speech on the sacred floor of the Democratic Convention. But she was a daughter of Perry Simpson, a wheelhorse of Democracy, and perhaps she had an inherited right in a Democratic Convention. They did everything to stop her, but to pull Mrs. Poffenbarger off her feet and to put her out of a Convention are two very serious problems. She proceeded to make a uproaring, fire-scathing, screeching speech in favor of Judge English. Pretty soon the whole Convention was in an uproar, those in favor of Judge Johnstone tried to get her off the floor and out of the Convention and those in favor of Judge English were cheering her on. It was the worst hubbub I ever saw in a Convention. There were yells to "put her out" and "stop her" and all the time Mrs. Poffenbarger was serenely making one of the best nomination speeches I ever heard in a Democratic Convention. She stirred up things

to such an extent and there was such an uproar that when she got through, Judge Johnstone had not a chance for the nomination. It went to Judge English, thanks to her efforts alone. I do not believe that in my forty years of experience in Conventions I ever saw the "plans of mice and men gang aglee" to such an extent as occurred in that Convention. Judge English incidentally made a good judge.

Perry Simpson, the father of Mrs. Poffenbarger, at this time was the most picturesque member of the Mason bar. He cared nothing for personal appearance. His cases on paper were not carefully prepared; he relied generally upon some one else to get his pleadings correctly shaped, but when this was done he was as formidable a man as you ever engaged in a court. In the first place, he was a natural lawyer and the principles of the law came easily and quickly to him. Added to this he possessed the elements of an orator and there was that something in him that engaged your attention the moment he began to speak. He was indefatigable in his efforts when he got going in a case, and throughout the whole of it there blossomed and bloomed a good nature and kindness which was irresistible. Stories and jokes popped out in unexpected places in one continuous fusillade, and illustrations from country life strewed his speech like leaves on the ground in Autumn. This good nature was a mask behind which there went a very correct knowledge of the law, a deep insight into human nature and a thorough intimacy with the thought of the jurymen, which, as a matter of fact, in forty years was scarcely surpassed by any one of my acquaintance. He was a great stump speaker,

delighting to get before a mixed audience, and as a rough and tumble fighter in a joint debate he was unexcelled. A joint debate with him, during a heated campaign, was a wild orgy until its conclusion.

Captain W. R. Gunn was then engaged in the practice throughout the counties of Roane, Jackson, Mason and Putnam and was a strong, vigorous lawyer of the old type. He was one of the best grounded lawyers of the circuit. He was full of philosophy and quaint sayings and homely proverbs which he used on all occasions.

Charles Edgar Hogg dedicated to him his "Hogg's Equity Procedure" in the following words and it is true and typical of Captain Gunn: "To Captain William R. Gunn, Soldier, Lawyer, Gentleman, who, for nearly half a century, has been an able, honored member of the Mason County bar, as a token of personal friendship and esteem and an expression of appreciation of his courtesy and manliness, THIS WORK IS RESPECTFULLY DEDICATED by the Author."

Charles Edgar Hogg was then coming into full practice, withal now and then dropping into politics. He was a member of Congress for two sessions and was the most learned man on the tariff next to William L. Wilson that the political field of West Virginia has furnished. He was one of the best trial lawyers in the state and afterwards became an able and painstaking writer of law books which have a very great vogue in Virginia and West Virginia. He was for a while a distinguished teacher of law at the University and was Dean of the Law Faculty, and as a popular orator he is of pleasant and beautiful address and is one of the most learned lawyers in the State, and he has been very successful in the practice.

A little later than Mr. Hogg, Judge George Poffenbarger came to the practice at the Mason bar. Judge Poffenbarger was little known when he was elected to the Supreme Bench of the Court of Appeals but within a short time became, in the opinion of the bar, one of the ablest judges in the history of that Court. His honesty has been above suspicion, his decisions are conservative, written in pure, clear English, carefully and deeply considered, and founded upon the profound study of the law. I think it would easily be within the bounds of fair speaking to say that he has been one of the three or four ablest judges who have ever sat upon the bench of the Court of Appeals of the State of West Virginia. The general opinion of the bar is, that whilst Judge Poffenbarger is not as deeply learned in the law as were Judges Green and Brannon and Holt, who were exceptional, yet, in unerring application of the law to the case at bar, lucidity of statement, and the application of enlightened judgment to the record in hand, Judge Poffenbarger is easily the peer of these distinguished gentlemen.

CHAPTER IX

THE BAR OF GREENBRIER, MONROE, POCAHONTAS
AND FAYETTE. JUDGE CAMPBELL. SENATOR
FRANK HEREFORD. SENATOR ALLAN T. CAPER-
TON. JUDGE HARRISON. GOVERNOR PRICE.
JUDGE ADAM SNYDER. JUDGE HOMER A.
HOLT. GOVERNOR MATHEWS. ALEXANDER T.
MATHEWS AND J. W. ST. CLAIR.

My real introduction to West Virginia was through Greenbrier and Pocahontas Counties. Like other Southern young men the Civil War had swept from me everything. I had engaged to teach school in Pocahontas County for the year 1876.

On a beautiful afternoon in September of that year, I walked from the Chesapeake and Ohio Railway through the town of Lewisburg on my way to Pocahontas County. On my trip to Pocahontas fifty miles away, I did not have the wherewithal to use any other method of transportation than that provided by nature. When night overtook me it was near a substantial well-built farm house. I introduced myself, went in and inquired if I could stay all night. I was welcome to spend the night. The head of the household, Allan Levesay, was a splendid type of West Virginia farmer. I well remember that my money consisted of fifty cents,—and when I looked around at the well-to-do appearance of things,

my heart failed me, for I knew that fifty cents would not be enough to pay for my lodging at that home. I had a splendid supper and was put to bed in the spare room in a great four-poster bed. I tossed all night, wondering, whether in the morning I would ask the amount of my bill, and then I thought of the humiliation if it turned out to be seventy-five cents. Then I wondered whether I should thank my host for his hospitality, walk out like a gentleman and go on my way rejoicing with the determination to pay him at some future time. I changed my mind a dozen times that night, but in the morning, after a substantial breakfast, I concluded it would not do to risk my fifty cents, so I bowed myself out after thanking Mr. Levesay and hoping to have the pleasure of meeting him again. When the sun was shining on me afterwards, and all the clouds had rolled away, I met this splendid citizen many times and we always had a jolly laugh at my impecuniosity.

The people of Greenbrier and Pocahontas counties represent a splendid class of citizens and both counties are filled with fine Scotch-Irish people, well to do and well educated, and the most hospitable people I know. The counties they live in are blue-grass, and all that is necessary is to hack the woods and the blue grass springs from the bottom to the top of the mountains, clothing meadow and valley with a mingled iridescence of steel blue and deep green. Here are two of the most beautiful counties in West Virginia, and my mind goes back to a vision of rich fields, with the fat cattle standing contentedly in the lush grass, or in the shade by the brook, winding its way through the meadows; with the fragrance of the hawthorne, the crab tree and wild

rose flooding the air with the mingled fragrance of their perfumes, and the prosperity and kindliness of the people pervading the whole land. Truly it is a fair country.

When I was walking to Pocahontas County I met four of the gentlemen hereinafter mentioned, members of the Bar: Robert F. Dennis, Alexander Mathews, Judges Adam Snyder and Homer Holt, on their way to the Pocahontas Court. How often since then have I wrestled with them at Conventions, at the Bar, or at the Hustings, for each of them except Mr. Mathews aspired to high place among the people. In the County of Pocahontas in 1876, I made my first speech in West Virginia to a Democratic Convention. I have been vigorously at it ever since in every Court House, in every town, and in almost every magistral district in the state. My career, what little it amounts to, in West Virginia, began in Pocahontas and Greenbrier Counties and my interest always goes out to that wonderfully beautiful country and its splendid people.

During the period of which I am writing the Greenbrier Circuit was one of the ablest in the state. This Circuit consisted of Greenbrier, Monroe and Pocahontas, and to a limited extent, Raleigh and Fayette Counties. It was a homogeneous circuit and the lawyers all practiced in each Court. Pocahontas, Greenbrier and Monroe were the blue grass counties and had an exceptionally fine population. The Supreme Court of Appeals of Virginia, and later of West Virginia, sat at Lewisburg and contributed some of their best men to the great offices of the state and in this Congressional District they disputed the supremacy with Kanawha.

Judge Harrison was not on the Bench when I came there, having just previously been impeached. He was very dictatorial, being Court and Counsel and Jury. He managed both sides of the case, but there was no question as to his ability.

The late Judge A. N. Campbell told my friend, Judge MacClintic, of the United States Court, that one day he was in Judge Harrison's Court in Pocahontas County, and there were a number of lawyers attending in a case before him. He suddenly stopped them all and said: "Sit down, Mr. Newlon; take a seat, Mr. Monroe; Hacket, hush. You gentlemen worry the Court exceedingly. You seem to try to practice law by inspiration, instead of by labor. When I was at the Bar, I took great pains with my papers, and prepared my arguments very carefully; but you seem to think of nothing but talk, talk, talk, without knowledge of what you are doing. I greatly need some refreshment. Calloway, send a messenger over to McCrath's bar and tell him to send me a toddy. He knows what I like best. Tell him to make it good and strong." Just then a comely young lady came to the door of the court house. His Honor saw her and said: "Calloway, who is the damsel at the door?" Then addressing the young lady. "Come in Miss, come in and take a seat; the Court will see that you are protected. Nothing gives the Court as much pleasure as to protect a good woman."

Harrison was impeached by the House of Delegates of the State of West Virginia, and the charges against him were served upon him in Pittsburgh. Rather than stand trial he resigned from the Bench. William E. Stevenson was governor at the time and

Judge MacClintic was informed by the late Wesley Mollohan that Stevenson offered him the appointment of judge, if he would move to Lewisburg. Finally, he induced Joseph McWhorter to move from Roane County to Lewisburg and take the appointment of Circuit Judge. Judge McWhorter was a candidate in 1872 and 1880, and in 1888 and 1896 for the office in the district of which Greenbrier was a part, and was in 1896 elected judge. He served a term of eight years, and in 1904 he was again a candidate for his party nomination, but was defeated. Many years after his first term, however, he was again elected. He was a good judge, a genial pleasant man, agreeable to the lawyers, and himself a good lawyer. His occupying judicial place at such distant periods made him one of the unique figures in the judiciary of West Virginia.

I have found the McWhorters everywhere about the same class of people. They are good people and good lawyers, they live well and are almost universally successful. I have known them in four states and the same conditions obtain with them with all.

I have at last worked out, to my own satisfaction, the reason for that universal success. Their progenitor lived on a great farm in Lewis County about one hundred and forty years ago. There was a terrible drought throughout the land, and no one except McWhorter had any corn. From his low meadow lands he had a tremendous crop. When the harvest time came the corn throughout the country was ten times its normal value. Some people came to old man McWhorter to know if he would sell all his corn for a great price and they would retail

it for a greater price and give him part of the profit. He refused, and every man within the county, while he had corn, was allowed to buy it at the ordinary and original price. He saved the county from starvation. I believe that is the reason why the Lord has so universally blessed the McWhorters.

The most notable figure in the Greenbrier Circuit at that time was Governor Price. He was impressive, personally, as any man I ever saw. He always reminded me of what I had considered a Roman Senator to be. He was tall, massive, straight and powerful of body, with snow white hair and beard. His was not a quick mind, but rather slow; the quips, jibes and flouts, and the quick recoveries and the vigorous attacks and the small idiosyncrasies of lawyers in trials, were foreign to him. He did not respond quickly to that method of trial, but when he had time to settle the principles of a case (and no man could understand them better), when he had opportunity to lay out the plan of a defense or prosecution, or in other words, after he had time to consider the lay of the land, he was the strongest all around figure in the Court. His knowledge of the land law was vast. He, with Judge Ferguson, Judge Summers and Colonel Ben Smith, had largely built up the statutes composing the land law of West Virginia.

As every member of the Bar knows, the land law of West Virginia is peculiar, and many of the statutes were made for the land west of the Alleghanies. Governor Price was logical and forceful, and I heard him in his later days make one of the most powerful arguments that I have ever heard, in a land case before the Court. His directness of statement and

knowledge of the law were backed by an exemplary personal character. His word was his bond, and was so accepted in the district composed of the counties of Greenbrier, Pocahontas, Raleigh, Monroe and Summers, the section in which he practiced law.

He was a great believer in West Virginia, and once when he was making a speech, he spoke in the most vigorous manner of the potential wealth of our mountains. He told the people that before long the iron horse would be rushing through our valleys and taking the great wealth that was therein to all the lands of the earth. One of the audience, a farmer of intelligence with a vision which was narrowed by the tops of the mountains, said to me, "I always trusted Sam Price. I believed everything that he said, but there isn't a word of truth in that." But even now his words are verified, and his foresight in purchasing lands is carried to a fruition in the immense development of the hidden riches of that section of the state. He was an Elder in the Presbyterian Church and devoutly believed that what was going to be, would be, whether it happened or not. He was a splendid type of the Scotch-Irish Presbyterian Elder, who are the real rulers of that powerful race of people.

Another most interesting person was Judge Adam Snyder. He could not make a speech and he was tall and angular and looked as I imagine Abraham Lincoln appeared. He was at one time thought to be a failure, but he developed into a most accomplished lawyer, and was afterwards elected to the Supreme Court of Appeals, and his decisions remain, attesting his ability. He was never an advocate, but he shone in the Supreme Court, or

where the case was by brief. He liked politics, and was a great schemer in a quiet way in political management.

I was amused when Joe Chilton and I once went to the Greenbrier County Democratic Convention. We made an agreement with Snyder in regard to the delegates to the State Convention. Joe and I were pretty certain of our ground and so seemed Judge Adam. When we got through, at first he was much pleased at the action of the Convention, but in a little while it began to dawn on him that he had not done quite so well as he expected. Later in the day, it came to him rather overwhelmingly that he had two delegates and Joe and I had the other twenty-two. In the evening he came to me and said, "See here, this is not what I thought it was." I told him that had happened to a great many people.

When I came to the Circuit as a school teacher, Judge Homer A. Holt was judge of the Circuit Court of Greenbrier, which included Pocahontas. He was simple and plain in his habits, met people in a most democratic manner, and decided the case on the law and on nothing else. He was a most learned lawyer. He read and wrote French with great facility, which was somewhat unusual in that day. He was afterwards on the Supreme Bench for a great many years and to the last never lost his simplicity of manner. He was a most zealous lawyer. He thought law, talked law, read law and worked at it day in and day out. His decisions are monuments of learning.

The two Mathews, Henry Mason and Alexander T., were prominent at the bar. Henry Mason Mathews did not give his attention to the law as zealously as did the other members of the Bar. He

was a great politician and was a fluent graceful speaker, delighting, in a dignified manner, in the turmoil of politics. He had been an ex-Confederate and was barred from active practice of the law, and when I came to the state he had not long been allowed the privilege of practicing at the Bar of the different counties. He was a splendid looking man. I remember being struck with his appearance, perfectly attired in every way, which was different from the other members of the Bar, who, from riding over the mountains on horseback or in buggies, and from the nature of things in general, could not keep well groomed. He was always spotless. He was not a good come-and-take debater, but when he had prepared himself to make an oration on the issues of the day, he was splendid. His oratory was easy, smooth, perfectly balanced, his voice was splendidly modulated, his gestures were perfect, and he could make as fine an impression on a rather cultivated audience as any man in the state. He was Attorney General of the state, and then was elected Governor, conducting a most successful administration.

His brother, Alexander T. Mathews, was a different type of man. He was careful, a great business man, and a very successful one in every sense of the word. He gave his attention to banking, and withal, was an accomplished lawyer. He did not appear before the people, did not like jury practice, but was powerful in a written argument. In addition to being a sound and mature lawyer, he was a very cultured man and wrote beautiful and classical English, and excelled when he could dip his pen in a little irony. His criticism of the Supreme Court of West Virginia, as illustrated by a certain decision of that Court

which he cited, was a masterpiece of caustic flagellation. He was polite in that he used a rapier and not a butcher knife, yet the skin was definitely taken off, leaving every quivering nerve exposed. This criticism cost him a seat on the Court of Appeals.

Mr. Mathews was a very far-sighted business man and made large land purchases, being exceedingly shrewd in their management. He and I were once engaged in a very large transaction, with able and experienced men on the other side. He suggested that I do the negotiating. We were purchasing a tract of about fifty thousand acres of mineral land and the people on the other side were well aware of its value, but we knew they wanted very much to sell. We met in a room around a large table. Mr. Mathews came in, and without saying a word beyond a mere formal greeting, ensconced himself on the opposite side of the table, and in the most impressive manner, took from his pocket a bundle of papers tied with legal tape, carefully looked them over and spread them before him on the table. He never uttered a word. The sellers named a large price and Mr. Mathews immediately began, in the most abrupt manner, to reach for his papers, pick them up and put them in the wrapper. The sellers looked at his action with apprehension written on their countenances, and one of them said, "Mr. Mathews, we don't wish to break up the trade before we begin it." Mr. Mathews had not said a word. He held his papers in his hand, not quite taking them all up from the table, but still holding them in an attitude of precipitous flight. "We wanted to see what you had to say about it," said another one. Mr.

Mathews, without replying, seemingly in the most reluctant manner laid a few of the papers on the table with an air of suspicion, holding his hand upon them, and waited expectantly. After awhile it looked better for us and the parties looked more like trading and the papers in the wrapper were taken out one by one and again all spread upon the table before him. He was a man of immense dignity and sat back in his chair bolt upright in an expectant attitude, never saying one word. As my proposition developed, the sellers refused it as a whole, and one-half of the papers were gathered up and again the parties, with apprehension on their faces, watched the play of the papers, until the price came down, and then they were slowly laid again upon the table. By this time, the whole attention of all was directed to the papers, which were either in Mr. Mathews' hand, on the table, or on the way to the wrapper. It was the index of the trade, the papers in his hand voiced his feelings, or rather what he wished to appear were his feelings. After a colloquy the papers would be transferred to the wrapper and apprehension and unrest could be seen on the faces of the sellers as they watched them. Mr. Mathews seemingly paid no attention as to the trade, as his attention was directed solely to the papers. After awhile the trade went against us very largely and nearly all the papers were taken from the table and returned to the wrapper and were returned very reluctantly and suspiciously to the table when the sellers came down from the top price and approached a more reasonable settlement. Never once did he say a word. His whole part of the transaction was in the play of the papers. The sight of those papers

in his hand or on the table grew to be an obsession in the minds of the traders. In the midst of one of the most heated colloquies, he pulled his legs up ready for flight, and removed all of the papers but two from the table. These two papers were safety, they were hope for the trade, the seed corn for the planting. After every other point had been discussed and it seemed that none remained, he grabbed one of the two remaining papers on the table and put it in the wrapper, and then after having placed that in the wrapper he put his hand on the one paper to take that from the table. This with an air of absolute finality. This was too much for the sellers. They saw in that paper the end of the trade, the sale going, the profits vanishing, and one of them caught Mr. Mathews' hand before he placed the remaining paper in the wrapper and exclaimed, "Don't do that, don't do that, we accept your proposition." Mr. Mathews had never made a proposition. I had made the proposition and he had not said a word. He did not reply, he only looked the speaker over, and slowly put the paper back on the table, but kept his hand on it suspiciously while the seller kept his hand on his arm. Mr. Mathews held his hand on the paper and looked at the seller in the most suspicious manner. Finally, the seller said, "The matter is ended and the terms are accepted." With an air of finality, he slowly took the remaining paper, untied the string, put them all in the wrapper, placed them carefully in his pocket, then strode out of the room, never having said a dozen words in two hours' negotiation. As he went out one of the sellers said in a most triumphant manner, "I just caught him in time. He was just

taking the last paper and then it would have been 'Katy, bar the door.'"

After I had drawn the sale papers and concluded the transaction, I went to Mr. Mathews' room and said to him, "Mr. Mathews, what in the world were those papers? There were no papers in the trade that I knew anything about." He had beautiful brown eyes, and without making any further reply, he closed one of them in a deep, mysterious wink. That was the only answer I ever received.

The greatest trial lawyer of all that section in that day was Robert F. Dennis. He was a splendid public speaker. He did not pretend to have the polish of Henry Mason Mathews, nor the learning of Judge Adam Snyder, or Judge Holt, nor the impressiveness of Governor Price before a jury, but in all that constituted a trial lawyer, he easily surpassed any of them. He was full of the knowledge of the law; it was on his tongue's end; the anecdote and the illustration or example flowed from his lips almost perfunctorily. With his peculiar gift of popular oratory, he was a great manager of a law case. The popular audience was as much delighted as the jury, and often the jury itself was too well pleased at his unique method of trying a case. He was one of the few men who could hold a Kanawha audience. On two occasions I heard him speak in Kanawha and he left behind him a delightful aroma of good nature, of sound doctrine and of splendid and direct statement. He was a member of the State Senate and he was always discriminating and careful in the laws which he fathered, and he was the author of many of our best laws. He never attained high office. He was a candidate for Circuit Judge and also for Congress, but

he did not attain his ambition. Men who are as strong and brilliant as was Robert Dennis do not often attain the consummation of their desires. He was genial and pleasant to every one and was universally popular. His love of flowers and children continued to the last. He never went along the street without speaking to the children, and he left a very sweet memory behind him.

At this time, John W. Harris was at the height of his practice. He was a painstaking practitioner, absolutely faultless in his dress and manner, and while he was a successful lawyer, his manner was too cold and courtly for a jury. He never reached the people, but he was powerful before a court. Every fact and every decision and principle of the law was gotten into the case, because he had carefully and painstakingly studied it. He aspired two times to Congress, but he was too formal for the people, and they never took to him, as his character and his sense demanded.

In this brilliant coterie, Colonel James W. Davis had a high position. He was a great money-maker, had an uncanny knowledge of land, and while not a brilliant speaker, he was a hard worker, and was strong in his statement and absolutely knew the facts, and the law governing his case. He was considered a very able trial lawyer, and the other side were continually on the lookout to see that Colonel Davis didn't catch them on a pinhook and upset them into utter desolation. He was pleasant and always courteous to young lawyers of the Bar and I shall always remember his distinguished courtesy to a certain member of the Bar who was young in the practice.

The Hon. John A. Preston was of a later day than

these gentlemen of whom I have spoken. He was for years Prosecuting Attorney of his county, a safe, good lawyer, an engaging speaker before the public, a man of splendid character loved and trusted by all the people, and a lawyer of great application to a case when he was interested. He was elected to the Senate and made one of its most efficient and able law-makers. Like so many of the men about whom I have written, he has gone over to the great majority.

For many years a number of the lawyers of the Greenbrier Bar were deeply interested in spiritualism. It is related that a coterie of them were on their way to the Raleigh Court for the trial of a very important land case. One of them had been very close in his dealings with St. Peter, who seemed to have been devoting himself very largely to his legal friend's affairs. It was suggested by some of them that as the case was so important, it would be a good thing for him to call St. Peter and find out about a certain question which was arising in that case and which gave them great trouble. After most elaborate dealings with St. Peter in regard to the question, the reply of the Saint was, that there was one thing about which he knew nothing, and that was West Virginia land law.

The Bar of Monroe was very strong at this period. It was headed by Allen T. Caperton, who was then in the United States Senate. He was a good lawyer, and a vigorous speaker of the old fashioned kind, and a man of great dignity and very high character. He was intimately familiar with the land law of the state, which he had helped to construct. He practiced in the counties of Greenbrier, Monroe and Raleigh, and had a high standing as a safe and

reliable lawyer. He defeated the Hon. Henry S. Walker for the Senate. Walker was one of the most brilliant men to whom the State of West Virginia has given birth, but Caperton defeated him after a long siege before the Legislature. His place at the Bar and in politics after his death was largely taken by Senator Frank Hereford. Hereford was a good but never a learned lawyer, being too busy with the practical side of life. He was an active, direct talker, an able man and a useful Senator. He was elected to Congress from the old Third District, and then was elected to the Senate. He was without a real sense of humor and whilst he was a forcible speaker, he very seldom attempted any higher flights.

I remember once hearing Senator Kenna telling, with immense glee, of Hereford being at a dinner given by Sunset Cox. At the dinner there were James McKinsey of Kentucky, a wonderful after-dinner speaker, sparkling and bubbling with wit and humor, as well as Proctor Knott, Private John Allen and several of the greatest wits of the land. Kenna himself had an amazing fund of humor and was one of the wittiest men I can recall. He said that altogether this occasion furnished the most brilliant flow of conversation he had ever listened to, and Hereford and he, after the dinner, were on their way home, when Kenna remarked, "Hereford, wasn't that the most wonderful display of wit and humor you ever heard?" "Yes," he replied, "pretty smart, pretty smart, Kenna, and I gave them some Joe Darters myself."

Hereford was a great fighter and was in many internecine conflicts—especially just after the war, with its conflicts and deep feeling. Once I heard

Henry S. Walker, who was a past master in all that could sting and wound an opponent, opposing Hereford on the stump in a joint debate. Hereford, it seems, was in the celebrated "back-pay" Congress and along with many other members took the back pay. After awhile as he saw it was obnoxious to the people he returned it, or rather gave it to the Literary Fund. Walker, in discussing it in a joint debate with Hereford, said it reminded him of a young man from the country, who was in a city restaurant with several ladies, and, wanting to appear easy, reached over with his fork and picked from a dish that which he thought was a red cherry and put it in his mouth. It proved to be a Spanish pepper, which is a combination of vitriol and fire. He rolled it back under his tongue and the tears came to his eyes, then he whacked it around the side of his cheek and it burned a hole in his mouth, and then he put it under his tongue, but there it was too much for him; at last, mouth aflame and eyes suffused with tears, he took it out of his mouth with his hand and said, "Ladies and gentlemen, with your permission I will put this little red-hot-hell-fired thing back on the plate." It illustrated the situation exactly and Hereford took the whole of his time to explain it.

I once heard an exchange of compliments between Senator Hereford and Jim Bobbitt. Jim Bobbitt was six feet six inches in height and big in proportion. Hereford was a small man. He was at a political meeting and knowing Bobbitt very well he looked up at him as Bobbitt towered up above everybody else, and said, "Jim, if I was as big as you I would whip every man that I didn't like." Bobbitt looked down at Hereford and replied, "Well, Frank, if you was as

big as me you would have sense accordin'." Hereford, who was a good fellow and ready at the give and take of politics, joined most heartily in the laugh.

These reminiscences of the Bar of Greenbrier and Monroe Circuit would not be complete without mention of Judge Alexander N. Campbell; "Nelse" as he was familiarly called throughout the Circuit. He was a man of tremendous personal force, weighed three hundred pounds and tall in proportion. He had a prodigious memory and knew the decisions as well as any man of my acquaintance. His reading was omnivorous, but he did not have the confidence in his own judgment as a lawyer, though that judgment was splendid after he had well considered his case and studied its different bearings.

In his argument before a jury he used illustrations and anecdotes of the country and those illustrations made him very effective before a country jury. In every case before a jury he would draw illustrations of something which had happened to the father, or grandfather, or the uncle, or the cousin, of some one of the jury. This brought the principles of the case to the jurymen in a way which would not be forgotten. The free humor and anecdote of the countryside appealed to him for he was essentially a countryman all his life. He had a large practice in the counties of Summers, Monroe, Raleigh, Greenbrier and Fayette. He maintained the freshness and purity of mind and his charity of thought and expression to the very last, although he had passed through one war and it had dealt roughly with him. He lost his brother in the war; he used to tell how he with a former slave went to the battlefield and there exhumed his body and with the help of the negro put

it in a wagon and took it all the way home. He was vigorous and tenacious in his opinions. The war was quite a reality with him and oftentimes we fought the battles over again, he, vigorous in his opinions of the right or wrong of a certain action or of the manner in which a battle had been fought or of which commander had failed and which had been successful. While not an eloquent man, yet before a jury as I have said, by reason of his knowledge of the country and of countrymen he was very strong. The traditions of the country, what had happened, where a house had stood, where an Indian battle had been fought, where certain things in the history of the country had occurred, the little things, which in themselves are not vitally important but which all together make history, he had at his fingers' end. It is distressing to think he died without putting the enormous data which he had of local affairs into a printed form. His book on the controversy between General Jubal Early and General Gordon, in which he took vigorous sides with the former, was never printed. He was the soul of simplicity and would stop on the street and talk to anyone, and anyone had the privilege of stopping him wherever he was and talking with him. He was famous at giving horseback opinions and many embryo lawsuits in the country were settled by Judge Nelse Campbell's standing opinions.

As illustrating the impulsiveness and earnestness of Judge Campbell, he was trying as judge an important law suit in which Colonel St. Clair of Fayette and Foster of Webster were the opposing attorneys. There were grave questions as to the veracity of the testimony, and it had been fought bitterly by the

respective attorneys. During a very heated altercation between St. Clair and Foster, Foster in effect called St. Clair a liar. Foster was a small and very red-headed gentleman, and was not afraid of anybody or anything. St. Clair, without more ado, knocked him down. Foster arose, fighting, with a spittoon in his hand. By that time, Judge Campbell had come down from the bench, a high old fashioned bench, grabbed Foster by the arms and began to shake him as a terrier would a rat, at the same time exclaiming at the top of his voice, "Foster, behave yourself, behave yourself, if you don't, I'll turn the Colonel loose on you." Between the Judge's ob-jurations and his shaking the breath out of him, Foster "behaved himself."

Judge Campbell had been a brave soldier and had always a very warm place in his heart for a Confederate soldier. He knew everybody and when a Confederate soldier was before him his whole endeavor was to reason whether or not there was some loophole by which he could let him go and at the same time preserve his judicial standing. I saw this situation develop itself in a case that was being tried in Greenbrier County. An old Confederate soldier was before him and he was as red-handed as a man could be, yet the judge attempted to save him and was greatly interested in the old lawbreaker simply because he had been a good soldier. Once at the Summers Court he was trying a case of an old Confederate soldier whose daughter had married a man who had mistreated her and she had gone back to her father's house and the husband came to take her away. The old soldier was very indignant about the treatment by the husband of his daughter. He in

rather a high handed manner knocked his son-in-law in the head and injured him very badly and he was indicted before Judge Campbell's court for assault with intent to kill. Judge Campbell was in great trouble about it. He invited Joe Chilton to dinner to get his opinion of the case. He said, "Joe, what do you think about that case?" Joe started to answer, but the Judge would not let him discuss it, but himself argued the case for the prisoner. "Now," he said, "how would you like to have your daughter treated that way by your son-in-law, especially if you didn't like your son-in-law? Wouldn't you hit him in the same way?" Joe said he supposed he would. "Well," the Judge continued, "it is a very bad case. The son-in-law has treated the prisoner's daughter very badly. After thinking the case over, Joe, I have come to the conclusion it takes thirteen men to send a man to the penitentiary from my court and I want to say I am the thirteenth man in this case." Joe said, "Well, if you feel that way about it—." The Judge took up the subject and said the defendant was an old rebel soldier and the son-in-law had no business to treat his daughter in that manner. He never let Joe give his opinion at all, although he had invited him to dinner to get it. He worked himself up so that he was very indignant at the son-in-law's treatment of the prisoner. He concluded the conversation and the dinner by saying to Joe, "I am very glad you agree with me about this case," although Joe had not the opportunity to say a word. He went back to court after dinner and Joe saw him call up the prosecuting attorney and talk to him very vigorously. When the prosecuting attorney came to

make his summing up he made an entirely different showing in the afternoon from the manner he had treated the case before dinner. He told the jury he did not believe he would ask for a verdict of guilty as there were so many extenuating circumstances in the case that they had probably better make it "not guilty." The Judge's satisfaction beamed from his face. The defendant was turned loose and the only extenuating circumstances in the case were that his daughter was badly treated, and of course the chief circumstance was that he was a Confederate soldier and so was Judge Campbell.

The Judge was telling me once of a Confederate soldier and a Union soldier fraternizing. They were discussing the real feeling between the Blue and the Gray. The two former soldiers had a couple of drinks which made them feel pretty mellow and charitable towards each other. They had expressed all manner of brotherly feeling. After the third drink the Union soldier said to his Confederate brother; "Now, 'Johnnie' I am here in your own house and you have told me we are good friends and we have had several drinks and dinner together. So just tell me how you really feel." The Confederate soldier got away from the question a little and the Union soldier pressed it on him. The Confederate soldier again side-stepped the question. At last, with the persistence of a tipsy man, the question was brought up again by the Union soldier. "Now, just tell me how you feel, do you love me? Just tell me the real facts." The Confederate soldier said, "You really want to know how I feel." "Yes, I really want to know." "Well," said the Confederate soldier, "if you do not get out of this house damn

quick in about a half minute you are going to get killed. That is how I feel about you." And the other man got.

Judge Campbell was one of the kindest men I have ever known. His heart was full of charity and he gave the charitable construction to everything and shed all around him the light of kindness. He made an excellent judge of the circuit and there was no back door to the court. It was over the Bar and the case was settled on the law and the principle, yet with the utmost simplicity and informality. He left a memory behind freighted with a wealth of kindly deeds.

J. W. St. Clair, of Fayette County, was a most interesting character. Whilst Judge Ferguson had the most sustained natural ability within my experience, I am of the opinion that J. W. St. Clair was one of the strongest lawyers intellectually, at least in spots, whom I have ever met. He was not as consistent mentally as Mr. Knight, Senator Kenna, Judge Ferguson and others, but at times he could rise to tremendous heights. His temperament would not allow him to sustain that position for a great time. He was a powerful man physically as well as mentally, with a splendid resonant voice, quick to impale an opponent, relentless in a contest, and at all times handsome and domineering. During the first years of my practice, when I was counsel for the mine workers, St. Clair and I frequently met in fierce clashes about the mining troubles and the evictions growing therefrom. Although the best friends in the world, each of us was always looking for the trouble we felt sure was to come.

I remember, once at Montgomery, after a pro-

longed conflict about the eviction of miners on the William Beury Cooper & Company property which we had settled out of court, St. Clair and I went to our respective rooms to dispose of our ironmongery. I looked in his room, the door being partly open, and saw him take a forty-four revolver out of his hip pocket and put it in his grip. I put my head in his door and I called him a coward for carrying such a weapon. He immediately retorted, "You had one." I replied, "I only had a thirty-eight and yours is a forty-four." We laughed at each other and that was all that was thought about it.

How times have changed, and men with them, in these forty-five years. Consider the question of prohibition alone which comes up when you mention these men and their times. To illustrate how the thought of men has changed, within that time, about three hundred negroes and about one hundred and fifty North of England men, most of them from the Molly McGuire District of Pennsylvania, in the year 1882, made a determined strike in the coal mines on the William Beury Cooper & Company property. We had a very vigorous set-to for a day or so and then St. Clair and I got together and settled the strike. It was a great relief as both sides expected a long drawn out controversy in which the operators would sell no coal and the miners, of course, would receive no wages. When we settled the strike, immediately all hands, operators and miners, looked around for something with which to jollify. They bought in the town a fifty-six gallon barrel of whiskey and two barrels of ginger wine and they brought them out on the Court House square and mixed the ginger wine with the whiskey, put it in several barrels and

found a hundred tin cups and turned the infernal concoction loose on the assembled multitude. The night was a saturnalia. Speech-making, fighting and shooting, pulling down the fences to make a big bonfire, the men yelling and drinking the live-long night, and over all the Court House bell never ceased its brazen clamor. People who talk about this day and generation do not know what the other days were, or if they do, they conveniently forget it, for such scenes were not considered in those days as out of the way. Through scenes like these St. Clair, by reason of his magnificent physical development and his dominating personality, walked with the sure tread of a master. For twenty-five years he lorded it over the great and unique development of the New River, drawing leases, trying law-suits, defending and prosecuting murder cases, dominating policies, fixing wages and rates, shaking a perverse operator like a terrier does a rat, or knocking down a threatening miner, playing poker with all comers, and notwithstanding opposition from every side he was the last word in every important question involving this great field. Genial and openhearted, he was dominating and driving in every situation, and he was an important factor in all the great political meetings in the old Third District and throughout the whole of West Virginia. Then the personality of a man was more felt in the politics of the country than at present. In the intrigues and wire pulling of the conventions he was in his element. With nerves cold as steel he feared no physical force. A master of technical parliamentary rules, with far reaching knowledge of the men in the Convention or Assembly, with a voice like Cleon, he was a feared antagonist or

a tower of strength. With all his magnificent equipment for a contest, if you were but patient and bided your time you would surely find the missing link in his harness where the fatal arrow could reach his vitals. He was not safe in sustained conflict, and like many able men left open some gap which he expected to fill when time and opportunity were at hand. He was a splendid trial lawyer, and what was infrequent in the same person, he was equally effective in arguing a case from the record. Whence came his knowledge of the law? He was not a student in the strict sense of the word, for as a young lawyer he had not given time to the study, nor had he time while he was in practice midst the turmoil of his life to study the principles of the law. The only explanation which I have is that he practically absorbed the law. It came naturally.

He was one of the triumvirate in the management of the World's Fair at Chicago. He represented the Board of the World's Fair before the Court on the Sunday opening question, which was vigorously contested. All the great constitutional questions were in the case. The case had in its personnel several of the most eminent lawyers of the country. Coudert, of New York, opposed St. Clair in the case. Magnificent lawyer that he was, he was matched and easily over-matched by the West Virginian. St. Clair so clearly demonstrated his far reaching knowledge of the fundamentals of our constitutional law and their application to the case at Bar, that there was no question of the decision when he had finished his argument. It was a splendid argument which made the heart of every West Virginian swell with pride.

St. Clair was a man of exceedingly high spirit,

always in good humor and ready for everything that came along. Once, about daylight, he was coming out of the lower regions of the Hotel Ruffner and he met the French bread cook. The cook had a huge waiter on which there were two large cylinders of dough, each of them about two feet long and about ten inches in diameter, ready to be made into rolls for breakfast. As he went by, St. Clair reached over and got hold of one of the dough cylinders and wrapped it around the man's neck and twisted it in the cook's face, thus cutting off both his wind and his daylight. He was a Frenchman, and he began to splutter all the French oaths that were in the calendar, and while he could talk, the air was blue with "Mon Dieu, Sacre Bleu," etc. St. Clair gave the dough an extra twist so that only the top of the baker's cap was sticking out. The victim was using his hands trying to hold the waiter upright and at the same time to pull the dough from his face, and get some air, but his efforts were futile and after a little while the waiter tumbled to the ground and the baker with it, enveloped in his helmet of dough. St. Clair and one or two others were the only ones in the hotel who knew why there was no warm bread for breakfast that morning.

Some one, reading these reminiscences, and perceiving that I say this man was very able or that man was very eloquent, or another possessed a great knowledge of the law, will immediately arrive at the conclusion that I am viewing them through the mists of the past; that it is improbable that so many men were eloquent, or so learned in the law; that time has pointed the wit, rounded the period, or swelled the knowledge of the law.

Well, any of us who peer into the past, naturally see it tinged with the exaggerations brought about by time, but these men about whom I write were the product of a peculiar time, the like of which, in the Providence of God, we will not see again. They were a peculiar class of men. Their ability is accounted for, not by the phantasmagoria of the past, but by the times in which they lived. Nearly all of them had played a part, some of them a great part, in one of the bloodiest dramas of the world's history, out of which grew a great revolution in the Republic, and their vision was extended in a way that is not allowed those who have played lesser parts in a smaller scene. Those who did not play a part in the great drama were the direct product of it. It was a passing of a distinct era, and it begat peculiar men with sharpened abilities which were not less than I have recorded. As I have said elsewhere, the reason I am writing these reminiscences is to preserve the memory of a generation of peculiar and unique men, a generation that saw, and in many ways played a part, in a revolution of our political life and social existence which is unexampled.

This generation was part of the old system of the South, a system that was unique in every particular. Unique, because it bound together under one government the institution of human slavery, and the widest learning, the most profound religion, and the highest exaltation of civic virtue, a combination without precedent in the history of government. These men had experience with human slavery and had witnessed by bloody war its dissolution. Nearly all of them were actual slave owners or came of slave owning families. They had witnessed in their time a

complete change in the government as well as in the thought of the people. So different is the present in thought and character from that day and generation that slavery seems five hundred years in the past. Yet, it has only been two generations since these men were part and parcel of the system of slavery which itself was an integral part of this government.

It is difficult in this day to visualize it. I am not yet beyond the age of activity and I utterly disbelieve in slavery, yet I myself was in my own right a slave owner. This situation gave color to the lives of the lawyers of the generation which I am describing. It witnessed the breaking up not only of the unique system of the South, the destruction of the great plantations of cotton and hemp, the complete disruption of the baronial situation of that section, but what is of more importance, the complete change in the social status and in the thought of the people of the South.

The lawyers of that era whom I am undertaking to portray were of two classes. First, the older members, composed of those who were educated under the old plan which in the South dealt more particularly with constitutional and criminal law and not so much with the commercial side, and secondly, the younger men who had been prevented by the war from receiving the finished education enjoyed by their fathers and who had studied the law in offices or at night while engaged in other avocations.

These men arrived on the scene right at the changing of the two eras. They were a part of the unparalleled transition in government and social affairs. They reaped widely of the good and bad of the day. They went to the war with a system of slavery

engrafted on the laws of the land, with the baronial plan of large plantations, with a distinct social system, with that plan of education which was discursive to the extent of wide reading, but which was not special within itself as is needed by the student of this day. None but a great people could have carried out that change so fully and completely. The complete system had to be revised and the social order was revolutionized. They belonged to a class which was the greatest factor in that change and rejuvenation. In my early days these men of the Bar gave thought to, and were the mainsprings of, every action looking towards success in the changed status. They composed the real power in the land; they were like Cromwell's Ironsides. Whilst they did not have the action and the quickness of the new recruits, yet they possessed the steadiness of the old veterans and did not shrink at the charge. The change, apparent to ordinary persons, was in the material development, in the mode of education, in roads and cities and farms, but underlying this and not so well apparent was the real change, which was the political change. The political movement whether seen or not, with a free people, is the most important. I mean political in a very wide sense. This Bar composed to a great extent this political element. It nominated the people to office, it filled the offices with its members, it carried out the public thought by electing the governors, the members of the House and Senate, and what is more important, it nominated and elected the members of the Legislature of the different states, which carried out the local reforms. The members of the Bar were the most important in all of these offices and assemblages.

As a matter of fact they composed the great majority of the members of their respective houses. Thus, they practically controlled the local thought and the public opinion of the South in its most important crisis. In my day they were numerically the most important body in public affairs. It will be understood how important was this influence because for four years these men had been engaged in the greatest internecine war in human history. If they had allowed their hates to become chronic and their feelings to be perpetuated to another generation, it would have taken two hundred years to have dissipated the feelings between the North and the South. These men, wonderful to say, did all they could to leave to their children the love of their whole country. They did not leave behind them the feelings of the wars of the Red and White Roses to rankle for two hundred years in the hearts of their descendants. Through it all, the return to the blackened thresholds and the ruined farms, the broken porticos, the carpet-bagger, and the horrors of the reconstruction period and negro rule, they taught to their descendants the great principles which had been settled by the war and which would leave an unbroken people behind them. This is wonderful, when we consider the feelings naturally engendered by their dreadful sacrifices in the Civil War. To these men is due the credit of doing all in their power to dissipate any sectional feeling. They succeeded beyond any historical precedent.

Today the resistless tide of affairs has left none of the Greenbrier and Monroe Bar, and only one member of the Kanawha Bar of that day and generation, General C. C. Watts, who was a Confederate soldier.

I am only giving you a few aspects. The past is gone and the men who largely built up the present and better time and were the chief instruments in carrying out that change were the men of whom I write, the members of our great profession. They wrought well, their advice was sound and wise, and their action was for the benefit of all. No! time has not unduly painted the wit, enlarged the knowledge of the law or rounded the period, but it has only thrown into greater relief the eloquence, the learning, and the wisdom, in the great crisis of governmental affairs, of these men of whom I write.

CHAPTER X

THE APPALACHIAN MOUNTAINS. THE MOUNTAIN
PEOPLE'S PROGRESS. THE SHOOTING MATCH.
APPLE BUTTER BOILING. THE DANCE.

WHEN I was in my thirties, a great corporation offered me its southern general counselship, on condition that I was to live in New York. I went to that city to consider the proposition. I consulted with one of my friends, a great lawyer who was counsel for the greatest corporation of its kind in the world. He said, "They have asked you to come here?" I said "Yes,—now you tell me whether I shall come or not." He said, "I came from the country and have been here thirty years. I am general counsel for this great corporation and also director of one of the largest banks in America. After my experience of forty years in this city should I wish to borrow \$500.00, I would take with me collateral, which is worth that amount, to my bank and get the money. I could not get it any other way, however honest I have been. Such is the confidence here in mankind. Now, do you want to leave the country where people have every confidence in you and come here where they have confidence in your collateral and in nothing else?" The result of the conversation was I went back to my own country and my own people. After having been over a great part of the world, it suits me better

than any land under the skies. I live in the foothills of the Alleghanies, at one of the portals of the great Appalachian system, which stretches from New York to the Carolinas, of which West Virginia is the center. This imperial district is of unparalleled beauty and grandeur, and some day will be the Mecca of far-off travelers, those who love nature in her fairest dress. This is my country, where my wife and mother and my children are buried—where my life work, however little it amounts to, has been done.

Let me dimly picture the portal. A mighty gorge fifty miles in length, and more than a thousand feet in depth; its floor a laughing, hurrying river; its sides terraced from river to mountain top with a wall of green buttressed by the cliffs of Sewell, the mighty wall of the Hawks Nest, nature's wonderful castles of the South Side; and all mighty rocks, deep gorge, wonderful river, and trees of green, crowned by the glory of the soft sun of our temperate regions.

A friend, a traveler whose feet had trod the paths of many countries, likened the sound of the waters in the gorge to the music of a great organ reverberating amidst the dim aisles and lofty transepts of an old-world cathedral. There are here no dim aisles or dark recesses, but all rests under the wonder of God's crystalline sunlight. The perfume of the unseen censers of the pine, the fir, the linden, the ash, and the poplar fills the air with an incense denied to consecrated altars erected by human hands, and the mist bathing the trees in its cloud of gray and pearl, seems like the breath of angelic beings purer than the incense from censers swung by surpliced acolytes.

Here are no alpine heights wearying the eye and

sating the senses with vast wastes of rock and barrenness. In this fair outlook no peak with lightning riven point catches the ash, the gray, the pink, the pearl and the crimson of the departing sun. Beside these laughing waters and under these green shades could romp and play faun and satyr and naiad; and on these rounded mountain tops Jupiter and Juno and all their hosts, with the ambrosial nectar, could drink into their souls a glory of mountain as grand as Olympus and Ida, and catch sight of valley more delightful than the wooded vale of Tempe. Kissed into life by the spray of the river from the rich soil spring the ivy, the trumpet flower, the Virginia creeper, the fox grape and the muscadine, a very riot of climbing vines, with lichens, mosses and ferns encircling tree and covering rock and cliff with their graceful life.

There are those who think that this fair scene would be fairer still were wooded mountain top and beetling crag crowned with mouldering castle and broken walls. With me no such feeling mars the fair prospect, for crowning these lordly heights on foundations deeper laid than were kingly castle or baron's keep, sit enthroned liberty and the law.

In the deeper ravines glows the rhododendron, queen of our mountains. Against the background of its glossy leaf, soft and cool as the touch of a woman's hand, flame the pink, the purple, the ivory and the white of its gorgeous flowers. A near neighbor of the rhododendron is the magnolia of our state, the wild cucumber tree, the leaf rivalling the palm in its tropical beauty and luxuriance—its soft, creamy flowers cloying the senses with sweetness. Above this gorgeous array grows every tree of our temperate

latitude. Here on these mountain sides and in this gorge every breeze wakes into life the rustle of the linden and the poplar, the sigh of the beech, and the mournful wail of the oak.

This wonderful gateway so inadequately described is the entrance to a lordly empire unparalleled in the immensity and variety of its wealth, in its influence on mankind, as well as in the varied panorama which unfolds to you as you pass the lower hill country, where the winding river and the wealth of mountains greet the eye. There the ridges, each more lofty than its brother, kaleidoscopic in color—one moment brilliant green under a flash of the sunlight, then dun and brown under a hurrying cloud on its unending journey, and ever and anon blue and violet and gray—appear like some titanic painting by a marvelous artist of nature. When the eye penetrates as far as it can reach, there is still this wonderful scene of mountains, wooded and crowned with green to its full height. Green and blue and yellow mingle with the azure of the skies and the pearl of the clouds. From the rivers in many far-away valleys the mist lazily floats and dallies in the distance like the veil upon the face of a beautiful woman, or as it waves and is broken, like a flock of bright-winged birds hovering over valley and mountain. Below the gleaming cliffs, where the clearings on the mountains break the wall of green, can be seen where the mountain man has made his home. But notwithstanding man's puny efforts, here is a royal system of vast ranges and verdant valleys, with only an occasional opening marking the field on the mountain side. The rivers and the valleys along which are the meadows richly green, the white rock of cottage, or

little village, and the smoke of distant furnace or mill or mine or manufactory, coloring the glory of the sky, are the only relief to the eye from the majesty of the mountains.

As the mighty vistas broaden on your vision, over the shoulder of this mountain range, all under the witchery of the yellow sunlight, your mind flies to infinity, to the mystery of God, and it seems to you that all the grandest things have happened in the mountains. The Blessed Saviour of mankind saw the light in the mountains of Judea; on another mountain He shone in the glory of the Transfiguration. The law governing all the people was given from the riven crest of Sinai, and the old servant of the Lord gazed his last from the mountain side on the glory of the Promised Land,

And had he not high honor—
 The mountain for a pall;
 To lie in state while angels wait,
 With stars for taper tall;
 And the dark rock pines like tossing plumes
 Over his bier to wave,
 And God's own hand, in that lonely land,
 To lay him in the grave?

I was born under the shadows of the mountains in Virginia, and have always lived beneath their crest, and here will I be gathered to my fathers.

I believe that when the crisis of this Republic comes, as it inevitably must come, it will be saved not by the people of the city, hurrying after the dollar and absorbed solely by its quest, with its polyglot of language and its medley of selfish ambitions, its sweat shops, its ghettos, and its slums—but by the people of that great chain of mountains stretching so strangely, under the mystery of God, from New York to the

seacoast of the South. They are ninety per cent American; no strange gibberish with strident voice and with uplifted hand is heard or seen, but only the pure English; no new doctrine of religion, but only Jesus Christ and Him crucified; no peculiar ideas of government, but only the rule of the majority and the laws of our forefathers; no exemption from service when the Republic calls, but duty in the ranks as a matter of course, because the country needs them. Living in the very heart and center of our country, producing everything needed in a busy and limitless life, among mountains washed by mighty and deep rivers, the people of this great Appalachian Chain are to play a mighty part in the material, political and religious affairs of this great Republic. Providence rules this Republic and has in its unknown womb some great things for these people to do.

These people of the Virginia mountains were largely forgotten in the governmental and social life of old Virginia, and money by unequal taxation was poured by them into the pockets of the Tidewater region.

They have responded nobly to the march of progress. Isolated as they were by the conditions surrounding their social life, they were poor. Their food consisted of what the mountains furnished, a patch of yellow corn, and sometimes a field of buckwheat and a garden of the simplest vegetables. They were left alone and progressive ideas did not reach them. Where is there any other people who could have preserved themselves as they have done? Their progress has been remarkable in the last fifty years. They have reached out hungrily after education.

They have built better houses. Their social and household economics have vastly improved. The improvement of the health conditions has been remarkable. The log schoolhouse on the top of the ridge has given way to the big brick schoolhouse. The little log schoolhouse was always on top of the ridge dividing the community, and it seemed to me the school lot was always the worst wind-struck point in the neighborhood. It was given to the school district because it was worthless for any other purpose. The change in the educational conditions in West Virginia is a fair indication of the change in material and social conditions. The little schoolhouse of fifty years ago made of logs, chinked and daubed, with the wind whistling through the interstices, has disappeared. The big iron stove loaded with wood, which flared up and made everybody red-hot and then died down next minute and left everybody frozen, has given place to the comfortable steam-heated building. The little bunch of frozen children around the stove in one end of the room and the teacher wrapped in his overcoat hearing the classes is an incident of the past. What an immense progress has been made in the social and educational affairs of the mountains of West Virginia! In 1885 they had but one hundred brick schoolhouses, now they have more than one thousand. They had thirteen hundred log schoolhouses, now there is not one. I remember so well the scene,—the benches made of slabs, with the rude legs put in auger holes, and if they had any desks they were of the rudest kind. There was no such thing as blackboards, but oftentimes one end of the room was sealed and the blackboard was painted on the boards.

The value of school property shows the vast improvement in our state. In 1885 it was less than \$1,900,000—now it is \$45,000.000. This improvement shows itself alone in the school buildings and equipment and library, but in the teachers as well.

Under the old system school began at eight o'clock in the morning, and many had to walk five and six miles. We had recess at ten o'clock, then an hour for lunch, and teaching until four o'clock in the afternoon, with a recess of fifteen minutes at half past two. The fundamentals were taught, and as a rule they were well taught. The teachers were limited in their education but they taught the children the things that were worth while. The discipline was first class. The pupils had to obey, and they knew it and they were punished for infractions of the rules.

Everybody was full of life. It was not all somber living. There were spelling bees on Friday, and there were also speaking contests full of excitement. The method by which knowledge was acquired then was different from that used now. It was by the hardest method, but it made good men and women. Children were children then as now. Instead of fine clothes we had home-made suits and the stockings which were knitted at home. We had all the games of the country,—bull-pen and fox and hounds and town ball and round ball and every game that a healthy boy and girl could devise.

In 1885 in the whole of West Virginia there were 4,600 teachers, while in 1925 there were 14,000 teachers, an increase of 10,000, and the proportion of men and women teachers had been changed entirely. There are one-half million scholars now enrolled, whilst then there were only one-fourth of a million.

This improvement in education shows the wonderful general improvement in this state in intellectual as well as immaterial things, for all is founded on education.

The Church, which was formerly held in the school house, has taken its own place and forms the center of the community welfare. These people were always a religious people, and with the progress of the years has come an increased interest in religion and the Sunday School. This improvement in educational and religious matters does not show in the governmental publications for the reason that in West Virginia, for the mines, there has been a vast influx of negroes from the South, as well as Polanders and Hungarians from southeastern Europe. This necessarily has reduced the average of printed intelligence, but the people who have been in touch with the school teacher and the preacher have responded nobly to that appeal.

The people of the Appalachian mountains in West Virginia are more progressive than the same people in North Carolina, South Carolina and Virginia. Social progress has touched them more markedly than their friends and relatives of the states I have mentioned, because the material prosperity of this section has been greater and social improvement surely follows material prosperity.

The people of the Appalachian Chain form the greatest reservoir of pure American stock on this continent, as those mountains are the greatest storehouse of national wealth. Were I to call the names of families which come to my mind, it would be like calling the roll of the American soldiers of the Revolution and of the Colonial forefathers. These people

are of the best Scotch-Irish and English blood. Now, do not imagine from what I say that all the people are of equal wealth and equal opportunities in this great section for in the valleys and the rich lowlands there have been inaugurated from the beginning the baronial system of the English—great houses and great plantations, and a complex social system.

In the valleys and in the rich lowlands is as much intelligence and culture as there was in any other part of the earth. The people of the mountains are the same people as those of the lowlands. All they need is the environment of the people of the lowlands. In texture and in quality of mind and character they are the same.

I was riding some two or three years ago on the Chesapeake and Ohio Railway through the foothills of the Alleghanies along the edge of Rockbridge and Bath Counties in Virginia, just as you enter from the Valley of Virginia the lofty mountains of the Appalachian Chain. The mountains are almost straight up. There were in the smoking room with me four or five intelligent men from Texas. They had been to Washington on some state matter. As they rode along through the piled up mountains one of them said to his friends, "What was this mountain country created for?" The reason advanced by the others was that the Creator had more material on hand than he needed and he just piled it up here in the most convenient place. I had not joined in the conversation up to that time. They were polite gentlemen. I said, "Would you pardon me, but are you gentlemen from Texas?" They said they were. I then said, "I would like you to answer a courteous

question or two." One of them said, "We will with great pleasure, if we are able." I then asked, "Who of all the men in America have had the greatest influence on the destinies of Texas?" Then ensued a very lively colloquy between them. They came to the conclusion first that Sam Houston, the Liberator and the First President of Texas, influenced the state's destinies more largely than any other man. Then, after discussing a great many men, they concluded, and so expressed themselves, that Cyrus J. McCormick, the inventor of the reaper was probably next to Sam Houston. I knew that an intelligent discussion would bring this conclusion.

They were amazed when I remarked that both of these men were born and reared within eight miles of where they were at the time, just at the edge of the mountains. This is a fair illustration of the heritage of these mountain people.

Will the reader pardon a digression which connects Sam Houston with an interesting incident in West Virginia?

About the year 1821 Houston, later the hero of San Jacinto and President of the Republic of Texas, visited Mr. Daniel Ruffner at his home on what is now Kanawha Street in this City. Daniel Ruffner was a member of the distinguished pioneer family of that name. Houston remained during most of the summer. Mr. Ruffner was the father of Charles Ruffner, then a powerful youngster of about twenty years of age, and noted in after life for his fighting abilities. Just a year or two preceding his death and when he was more than eighty years of age, he related to my friend and fellow lawyer, Joseph Ruffner, this incident in connection with Houston's visit in about these

words. "I didn't like Houston. He presumed too much on being the guest of my father, and took more liberties with me than in my opinion were justified by that circumstance. He was perhaps fifteen or twenty years older than I and for that reason did not accord to me that respect and consideration to which I regarded myself entitled. In various ways he aroused my ire until I had accumulated against him quite a list of grievances which I was quite eager to adjust in my own way. The climax was reached one morning when I went out to go over my trot line in the river. On reaching the river I found Houston had preceded me and was out in my boat taking in the fish. When he reached shore I remonstrated vigorously with him, using language which he could not fail to thoroughly comprehend, and I wound up by telling him with much emphasis that if he repeated the offense I would lick him. It did not seem to disturb his equanimity in the least. He only smiled contemptuously. The next morning I found him repeating the performance. I waited until he reached the shore and then I proceeded to the performance of my threat of the previous day. We had a rough and tumble fight that left us wet and bloody and exhausted, but I licked him. I want to say, however, that of all the affairs of that kind in which I ever engaged,—and they have been numerous—it was the very toughest job that I ever undertook. I didn't dream then that I was licking the future hero of the battle that won from Mexico the independence of Texas and who became the first President of the Republic!"

These people of the Appalachian system have been placed by the Creator in the heart of the Amer-

ican people for a great purpose. Those who have lived in the mineral districts have been revolutionized in West Virginia within the last fifty years. Those out of that district are more nearly as they were a half century ago. The western slope of the Alleghanies will be one of the great workshops of America, and these pure blooded Scotch-Irish and English are there, in the great economy of the universe, for a purpose.

The log house of the early days, with its puncheon floor, has been replaced by the frame house and the stone house of today. The old log house with its puncheon floor and its wall clinked and daubed between the logs, was living room, kitchen and dining room practically in one. The inhabitants were not a penurious people. The general impression is they lived a somber life. There was never a greater mistake. The mountain people are not a hilarious people. They are quiet and reserved in their demeanor, but they are also a healthy vigorous lot. You can not say they were unduly energetic, because there was no necessity for it. Their needs were of the simplest kind, and the only necessity for work was when the season came for plowing and sowing and reaping. Besides this, there was the cutting of the timber and the rafting of logs down the river to the saw mills, which at that time and for many years after I came into the state were the centers of commerce.

The preachers were a sturdy lot. Such strong men as were the early settlers called for strong doctrine. The preachers preached Hell-fire, which in its luridness caused the tortures of the Indians with their fires and their scalplings to take a back seat. It was

Hell-fire, pure, raw and unadulterated. When an old settler sat through two or three hours of one of these sermons he was afraid to transgress the law. My opinion is that the preachers were not far wrong. The strong doctrines are needed today just as they were needed by our Indian-killing and meat-eating and land-grabbing forefathers. The idea of a talcum powder and perfumed Hell is too prevalent among the people. When they appreciate as our fathers did, that sin will be inexorably punished, as surely as virtue will have its reward, it will be best for this country.

They had many pleasures which they thoroughly enjoyed. My memory takes me back, first, I do not know why, to one of the great festivities of the fall, the apple butter boiling. When it was announced at a certain home that there was to be an apple butter boiling, the young people flocked to it on foot and on horseback. The apple butter boiling meant two nights of festivities. The apples were peeled and cut on the first evening. This was a scene of merriment and enjoyment. Very often while one crowd was cutting the apples in one room there was a dance going on in the next room and it was a joyous occasion. The next morning the apple butter was put on at an early hour and some of the party of the night before remained and continued the stirring all day. Generally the apple butter was boiled in a fifteen or thirty gallon copper kettle. Let me say something about this kettle. Only one or two people in the neighborhood had copper kettles, because they cost a large amount of money and were hard to get. They did not boil the apple butter in any but a copper kettle, which was loaned out for the whole season of

the apple butter boiling—that is, one person had it for two or three days, and then another for the next few days. One, for instance, could only have it from Wednesday to Saturday, another from Monday to Wednesday, and so on, until it had made its rounds. The kettle was hung on the crane and a cracking, roaring, fire was kept under it. The stirring of the apple butter, so as not to let it get lumpy or stick to the kettle, was an art. The two who generally took charge of the stirring were a boy and girl, nearly always sweethearts. When the apple butter popped and burnt one or the other, there was great merriment. The people came back in the evening to stir it off and the second night was the night of the chief festivity. The apple butter was poured out and sampled by all of those at the meeting. A plentiful repast followed, with all the substantial things which they had in the country, and at night the merry dance went on after the supper and by midnight they were all at their homes. The joy of the midnight trip home on horseback and in buggies remains yet bright to me.

One of the great events of the early days fifty years ago was the shooting match. It was the subject of the greatest speculation and interest. It brought out the skill of the men as nothing else did in the mountains. They had inherited the ability and willingness to use their rifles from their fathers. They were peculiarly a militant people, who used their guns to defend their lives from the Indians and from the wild beasts of the mountains, and in the early days they procured their food very largely by their rifles.

More than that they were generally Scotch-Irish and during long years of stormy vicissitudes they had

defended their religion as well as their lives with their guns. Thus a shooting match particularly appealed to those people. Each house had one or two and sometimes three of the long mountain rifles. They were made for accurate and careful shooting and the matches were popular both in the lowlands among the people of the great plantations, as well as in the highlands among the mountain people. It was almost a state pastime. The matches generally took place on Saturday and on the holidays and everyone who prided himself on skill with the gun was there. The rifles used were generally manufactured in the mountains. Sometimes the brass mountings were purchased from the cities, but there were many famous gun makers in the mountains who could make a beautifully rifled gun in its entirety. In the collection at Sunrise, I have many famous guns and among them is a large beautiful gun from Wayne County, with a barrel made from a wagon tire. The gun makers obtained great celebrity from these rifles, and at the matches the best guns of the finest makers were pitted against each other. When a new rifle was brought to the matches it was a subject of great curiosity and speculation. It was constructed to beat some other famous gun. It had some peculiar trigger, or sight, or bore, which the maker fondly hoped would make it a more effective weapon than the gun which had the greatest reputation at the matches.

Not long ago I came across a letter of Sheriff Keadle, of Mingo County, which is interesting. It relates to the old Hatfield gun formerly owned by the great grandfather of Governor H. D. Hatfield, and used by the whole Hatfield generation. It is now in my collection at Sunrise.

Williamson, West Virginia,
Jan. 20th, 1898.

HON. W. A. MACCORKLE,
Charleston, W. Va.

DEAR GOVERNOR:

From the best information that I can get the gun I sent you is known as Old Ephram, by all the prize match shots in this country. She was made by Thos. Hatfield for his son Ephram in the year of 1813, Ephram and his son "Devil Anse" and Wall and Elias Hatfield, killed 118 bears with the gun, and they have forgotten the number of deers, which was very large. Eighteen years ago Simpson Ellis bought the gun for \$43.00 and owned it up to Dec. 12, 1897, while Ellis owned the gun he and Major J. A. Nighbert won cash purses of as much as \$100.00 at one time at matches in which they shot old Ephram. She was ruled out of matches some ten years ago as no one would shoot against them.

Very truly yours,

N. J. KEADLE-SHERIFF MINGO Co.

When they met at the match it was generally thirty to fifty yards offhand, and sixty to seventy yards with a rest. After paying a modest entrance fee each man shot for the prize. Sometimes the prize consisted of money, sometimes of a beef or quarter of a beef, or turkeys or geese. Frequently, when turkeys or geese were the prizes, the marksman had to break their necks with the rifle ball, and the twisting neck of a turkey or goose was more elusive than Robin Hood's wand of willow at Ashby de la Zouche. Very frequently the matches continued during the whole week of the holidays. From all over the country the famous shots assembled and wonderful were the scores which were made. I have

three old yellow scores consisting of pieces of paper, each with a cross in ink. The paper is about $3\frac{1}{2}$ inches square and each has a cross mark on it about $1\frac{1}{2}$ inches. The intersection of the cross mark on each paper is exactly shot out. This was done three times in succession without a hairsbreadth of difference between the shots by the same man with the same gun at fifty yards offhand. I could scarcely see the paper, and the cross mark not at all, at that distance, thus showing an accuracy which we cannot equal in these days. There was a jolly time had, although the men did not drink at the matches, because a drinking man could not hold a heavy rifle steadily. I remember once seeing a man bring home the whole of a beef which he had won by shooting for the quarters. The guns were loaded with the utmost care. The powder was put in almost to the grain and the bullet was trimmed so that the slightest little imperfection caused by the mould was corrected.

Among the scenes of long ago that come to me most vividly are those of the interested spectators back of the line and of the tall bearded hawk-eyed men on the firing line with the long mountain rifles. Many of them wore the old-fashioned "wammus," which is now never worn. The shooting was carried on with the utmost impartiality and the judgments were accurate and final. With those men it would not have been safe to have it otherwise. They had the means in their hands, and the willingness in their hearts, to adjust on the spot any wrong done, notwithstanding the law of the land. The men were the grandsons of those who had fought at New Orleans and King's Mountain, and the accuracy of aim and steadiness of hand which characterized them

in these and many other battle fields were acquired at the shooting matches in the mountains.

Another great event was a house-raising. When a house was to be built men of the neighborhood came and put up the logs. They were heavy and required numbers of men and teams, the best ax men were there. These men cut the logs and chopped the notches so that they would fit into one another. The number of notches he could make and the elegance and ease with which he could fit them up was a matter of great pride to the early settler. It was not a session of the younger people; only able-bodied, vigorous men could do the work. It was for the older neighbors, and the mothers in Israel prepared the dinner and it was a feast which consisted of all kinds of strong food in use among the people. Sometimes a jug of mountain brandy was there and oftentimes the preacher was present and blessed the proceedings.

The principal occasions were where the men predominated. What the man said and did was accepted without question by his wife. The woman accepted the situation and her "man," as she called him, was generally "the situation." She was meek and long suffering and gave complete subjection to her man. There was no such thing in those days as temperament. When she married him she said she would obey him and she did it and continued to do it. There were few divorces. There was but one cause for divorce and that only occasionally developed. There were times, however, when the man of the house did not control. This was at the time of a quilting. Often when a couple had married and did not have much of this world's goods, the

neighbors contributed from their abundance or their poverty—it made little difference which—because they were a generous people. They would give the couple a quilting bee. You might say it corresponded to a shower of today. Fifteen or twenty of the women let it be understood at a certain day at a certain house they would give a quilting. There were famous quilters among the women just as there were famous rifle shots among the men. Their work was characteristic. One woman was accomplished in quilting the Log Cabin, another one could make the Yellow Rose, another one was wonderful on the Panes of Glass and still another made the Rose of Sharon, more beautifully than any competitor. The exquisite work they did lives today. The beauty and evenness of stitch, the elegance of conception was phenomenal in these women who did the heavy house work of the home. Oftentimes they brought three or four quilting frames, and the whole bee was crowned with a generous dinner of hot food, corn bread and sassafras tea sweetened with the syrup of the maple, and, when they wished to be extra luxurious, real coffee. The people of the mountains never used cold food. The cold food came with other evils of the war. The quilting sometimes lasted two days, because each person would bring the squares of the quilt which had to be fitted together and assimilated by the mistresses of the work. Today after fifty or sixty years these old quilts are perfectly beautiful, as well as good. It was a meeting not of merriment exactly, but of kindly conversation, uninfluenced by the opinions of the men, how these young people were to be married, and to this couple was born a son or daughter, this one was so

long "getting through" in the church, and other gossip of the neighborhood.

This was an occasion of kindly sentiment and happiness, when they made the quilts and gave them to the young couple. As I write these lines I am looking at one of the old quilts made at a quilting sixty years ago in the mountains of West Virginia. What tragedies it has witnessed! How many homes it has seen scattered and broken and how essential it has been to the life of the people. I have often thought, that the quilt or the bed spread witnesses all the joys and tragedies that occur in home life. With the eyes of memory I see the bed and the little brothers and sisters standing by it as from under the quilt was handed the little pink baby that "the Doctor brought Mother night before last," that it might be held for "just a minute" by one of the older little ones. The smile of the pale faced mother, which could only come from the place where seraphs wait, glorified the old quilt as the last little arm gave up the baby, then it was tucked under the quilt again with the mother, and the little ones tiptoed out of the darkened room. When at night the boys went up to bed, it was "Mother, Jim is pulling the spread off me," "Mother, make Bill stop, he is taking all the quilt," and when she called up the stairs, "What in the world are you boys doing up there?" the answer was "Mother, we are jes wrastlin'." After the noise had quieted down, she went up to their bed and with loving hands, pulled this one straight in the bed and put the pillow under the head of the other, and pulled the quilt lovingly around them, printing a kiss upon each sleeping face. Yes, around the spread and the quilt have gathered the family joys

and thanksgiving when the little ones came into life—and tears and sorrow when they were taken by the angels. It covered the guest in the “spare room.” The crowning pride of the simple household was when the preacher came, and the man of the house, as he smoothed the bedspread down, would say to him as he set the candle on the table, “I hope you will rest well.” When temptation had overtaken the son and the mother prayed over the unconscious figure, with trembling and forgiving hands the quilt was placed lovingly close around him; often it witnessed the joy of the mother when the daughter, who had married, visited the old home. And when everything was quiet, it heard those two talk of the things only to be heard by the angels. Oh, the joys and the sorrows which the quilt and the bedspread have witnessed! Around them have gathered the romance and pathos of life—not around the pictures and fine things of the home. When it was soiled it was put in the kettle which hung on the crane, and was washed with the soap made from hickory ashes from the hopper which was just back of the smokehouse. The drying was done by the bright sunshine and by the breezes from the tall pines and mighty oaks which clothed mountain and valley. When the supreme moment came, as it does come, when the old Bible was shut for the last time, and the spectacles were placed in the case on the table, and the tired eyes were closed, and the old hands which had fended so bravely all of these years, were folded, and all was still, the old quilt covered for the last time the loved form of the mother.

The chief joy in the lives of these people was the

dance. This was continued all through the holidays and for a month thereafter. The Old Virginia Reel and the old-fashioned square dance were the people's chief delight. Very frequently, when at a neighbor's house, the dancers would arrange for a meeting at another neighbor's, and subsequently for a meeting somewhere else, and so they continued on a round of merriment. Their bits of finery, their little ribbons and simple, gay-colored frocks—things which would not be considered by the young people of today—were a joy to those simple people. They would dance until midnight and then go home and do a hard day's work next day, ready again by night time for the merry revel.

The dance was a passion with many of the people of that day. Captain John Slack was once telling us that he and Safe Jones, who was a great dancer, were bringing a raft of logs down the Elk River. Safe was invited to a dance, stopped and tied the raft up to the shore and danced two whole nights, and then came back to the raft and piloted it to Charleston. What causes me peculiarly to remember this incident was that I defended a man by the name of Moore, who years afterward killed Safe.

There were certain people who were great dancers and certain ones who called the figures. They were preeminent in their community.

One day Joe and I had been in Nicholas and Webster counties, and at night arrived at the home of a famous old fiddler who lived on the Gauley River. He had been the fiddler at all the early dances. He was an old fellow, intelligent, and was glad to see us. The mountain man is nearly always an ardent politician and takes a vast deal of interest in the affairs of the

world. It was towards the last days of our vigorous activity and both Joe and I were looking back somewhat lovingly upon other times. We had a good supper and had come out on the porch. It was a soft evening toward the last of summer. Away off you could hear the subdued roar of the Gauley as it tumbled among the rocks. This far away river sound did not obtrude itself. It did not drown the whispering of the wind in the trees, nor the murmur of the little creek where it flowed at the back of the house. It rose and fell with a softness akin to the music which we hear in our dreams. Within the porch, notwithstanding the coming night, everything was distinct. I could see the cross-cut saw on three pegs on the chink and daub walls. The clapboards of the roof, with the nails driven through the rough stripping, were distinctly visible. Between the roof and the eaves-board lay a hatchet and two corn knives. On the wall were two strings of onions with a bunch of red peppers and four ears of seed corn with the husks stripped back. Next to them hung a saddle from a big wooden peg, and a bridle was hanging from the horn of the saddle. The big mountain dog, as the evening gathered, had come over near us and lain down on the flat rock of the step that he might have company.

The old man had been playing the fiddle, but as the shadows came he laid it gently over on the open window and leaned his split bottom chair against the wall. After he had lighted his cigar and blown on it, as is the custom of the mountain man, Joe asked him if he ever knew Stephen Weeks, the Baptist preacher. "Yes," he said, "I knew him and he is in the Glory Land. Yes, Steve is in the

Glory Land. I was raised up with Steve Weeks. He was raised on the Elk and I on the Gauley. He was the best dancer in the neighborhood and I was the best fiddler. Whenever there was any dances or weddings Steve and I were always on hand. When there was a dance Steve would call the figures and I would play the fiddle. When we were at the dance with my fiddle and Steve calling the figures, everybody came. Steve was the best caller of figures in the country. When Steve stood up in the corner of the room and called out, 'Ladies and Gentlemen will take their places,' everybody had a little kindly touch, because his voice kind of went through you. I do not know what it was but it always made them step higher and dance faster when Steve called the figures and I played the fiddle. Steve called the figures all over this county and Clay County and I played the fiddle in this County and Fayette and Clay and Nicholas. We had a happy time and oftentimes we would ride twenty miles with the girls to a dance or a wedding. Steve took some girls one night over to a revival on Elk, not meaning anything except to have some fun, but he got religion. He came over to see me. He was my best friend and he talked religion to me and we talked about what we were to do. You know if Steve stopped calling the figures and I stopped playing the fiddle, it would pretty near break up all the dances in those counties. We talked about what we would do all one night and we at last concluded that he would not call the figures any more and I would not play the fiddle, but after Steve had been gone two or three days, when he had gone back to the Elk, I got hungry for the old fiddle. I read my Bible and

it was full of the harp and the trumpet and sackbut and I got to thinking about it and I took my fiddle and went down beside the river and I played it soft-like. Some girls heard me and said I would be playing for them again at the dances. I went to see Steve about it and I took him my book and I read it to him and when he saw it he agreed with me there was no harm to play on the fiddle but that it was not right to play for dances. I never played for another dance and Steve never called another figure. Steve got to preaching and when he preached it was just the same way as when he called the figures at the dance. People moved around faster and they did not hear anybody else but him. He was a great preacher and he saved many souls. He preached all over this country and whenever Steve preached all the people he used to call figures for came to hear him and lots of them were converted. Yes, Steve died ten years ago and he has gone to the Glory Land. Yes, he surely has gone to the Glory Land."

The old man, with a far away look on his face, laid the stump of his cigar on the window sill and seemingly with the memory of Steve Weeks hovering over him, tenderly took up his fiddle and to the accompaniment of the distant river and the hollow murmur of the night wind amid the trees, he played softly and exquisitely,

Lead, kindly light,
Amid the gathering gloom,
Lead Thou me on,
The night is dark and I am far from home,
Lead Thou me on.

Many things happened to me years ago among these people, and sometimes they come back to me

and form little pictures in my memory. I was coming down the Elk one day in a skiff and at noon I stopped at a small log and frame house to get a bite to eat. It was the most God-forsaken and desolate place I ever saw. The people were poor and the family consisted of a man and wife and a small boy. The boy was about nine years old, not strong, and with a weary, hunted look. Besides these there were two of the most beautiful fox hounds about fourteen months old. Where they came from I do not know. They were aristocrats of the breed. You could tie their ears around their mouths. Their color was a magnificent tawney, with just enough of the black to show their aristocratic breeding. Their breasts were like bellows and they were narrow between the eyes, with long slender barrel and beautiful straight legs that could carry them all day after a fox. I was a fox hunter and being at once struck with the dogs, began to bargain for them and had about concluded to pay \$25.00 for the pair. I noticed the interest which was being taken in the negotiations by the boy. He was a poor little fellow who never said a word and seemed rather to be afraid, and for a son, as I thought him to be, was treated rather roughly by the man and woman. As the trade went on, during the preparations for dinner, he became more and more interested, and when we were about to conclude it I saw he was trying to attract my attention without letting the man or the woman know of it. He went out and while the others were talking around the fire I went outside, attracted by the boy. The little fellow was waiting for me. He turned to me with fear all over him and in a low voice that expressed every pitiful emotion which anyone could

show, said, "Mister, please don't buy them little dogs. They are all I've got. My father and mother are dead and they sent me to the poor house and these people brought me here to work for them. Them little dogs are all the friends I have got. They sleep with me and they play with me and stay with me at night when I am left alone here in this house. Please don't buy them. If you take them away I don't know what I will do. They will kill me if they know I talked with you, but please don't take them little dogs away." Then with the tremendous agony too strong for his self-possession, he put up one little hand to his face and bursting into tears turned his back. His little tear-stricken face has haunted me for thirty-five years. I said to him, "All right, son, I'll not take the little dogs." I went into the house as if nothing had happened and he came in soon with an armful of wood. I told the man after dinner that I did not believe I would buy the dogs. I could not get them home. He was terribly disappointed. I went down the river in my skiff, and below the house, on the bank, I saw the little fellow watching for me with both of the hounds at his feet. If ever a man got his reward I received mine in the thanks that he silently expressed as he reached over and held one of the dogs to his bosom so I could see it.

The mountain men have not a great sense of humor. They are fatalists and accept what comes. They are not taken quickly from their bearings. They accept the situation. As an illustration of what I mean, I was interested in the building of a railroad through a county. There were a number of thefts from the cars and they got to be quite a large amount.

Finally when it could no longer be neglected I sent for the old sheriff of the county. He was a big imperturbable, slow-voiced man of few words, a typical mountain man. I told him I would like for him to find out who was doing the robbing and arrest the delinquents and put them in jail. He said he would attend to it and I paid no further attention to the matter. About two weeks afterwards he came in, and after bidding me the time of day he told me his bill for arresting those people was twelve dollars, two dollars apiece for his men. He had arrested three of the people and put them in jail and they were to be tried soon. I happened to have the money in my pocket and paid him and he turned to leave. As he went down the steps to the gate, he half turned and said, just as a matter of course: "We had a right lively time. We went up on the mountain and found these people, who knew we were coming. The people who were stealing from the cars lived in two houses, and we had quite a fight." He moved away down the walk towards the street, as if his report were concluded. I said, "You did. Come back and tell me about it." Standing about ten feet from me, he said, "They were entrenched up there in the mountains and we fired about one hundred and fifty shots killing the old man who was the head of the gang, and shooting another man through the body so bad he may die. They shot one of my men and broke his arm. They shot through my clothes here. We had a pretty gay time. We had a right hard time with the old woman up there, who was the hardest one of the bunch. When we were bringing her to jail she tried to knife one of the boys and they were for killing her." He turned and

walked a step or two nearer to me and said, "George Argabrite 'lowed as he got his arm broke, would you give him a pass on the railroad for the rest of the year? He has a little saw mill down the river and it would save him some money. It is only about one month, it is now November, and he can't work on account of his broken arm."

This was all stated as a matter of course, and I gave him the pass and he took it and went away as if it was all in the day's work. This is characteristic of these people. They do not stampede quickly.

Was I wise in not giving up the azure sky, the lofty mountains, the beautiful rivers, and the kindly people, for the life and ambition of the city.

I wouldn't nigh be governor, though its kinder great
to be,
And the Legislatur' ain't a drawing card to me!
An' for that old Congress,—Now, what's its biggest
seat,
To a feller on a river bank with lilies at his feet?

Jest let 'em take the offices an' keep 'em in a whirl!
I'd ruther have a vi'let from the sweet hand of a girl
Than run the whole United States! So let the country
roll!
For a streak o' April sunshine is a-lightin' up my
soul.

CHAPTER XI

THE CIRCUIT RIDER. C. C. WATTS. EUSTACE GIBSON.
J. E. CHILTON. THE COUNTRY LAWYER. COURT
WORK. FEES, PUBLIC SPEAKING. DIFFERENCE
IN THE PRACTICE.

It would be difficult to discuss the old Bar without referring to one of the most interesting and important persons of the life of that day,—the circuit rider. He was the product of the peculiar condition of the times, which was brought about by the lack of transportation facilities and by the social and economic life of the people. The business at the court house was inadequate for the support of many lawyers and certain of them followed the court throughout all the counties of that particular circuit. Let us take as an illustration the great circuit south of the Kanawha River. That circuit was composed, roughly speaking, of the counties of Kanawha, Cabell, Boone, Lincoln, Logan, Raleigh, Wyoming, Mercer, McDowell and Wayne. These counties had a general community of interest and he who practiced in one of these counties could practice in all, the lawyers being individually different, but it was the same general circuit. The lawyers of Kanawha and Greenbrier circuit practiced in Fayette County and the Kanawha lawyers tried cases in all the adjoining counties. There were three other homogeneous cir-

culits in Southern Central West Virginia, but each smaller than the great Southern Circuit south of the Kanawha River. Monroe, Greenbrier and Pocahontas formed a circuit and the lawyers of these counties practiced in each of these courts, and also in Raleigh and Summers. The counties of Braxton, Clay, Nicholas and Webster formed another circuit, and many lawyers from Lewis practice here still. Another circuit in the southern portion of the state was that of Mason, Jackson, Roane and Putnam. The lawyers of Mason County practiced in all of these last-named counties.

The circuit rider lived at the county seat. The consummation of his work for three months was the week of court. This was a busy, anxious week to him. The work of the court generally occupied a week. Then all the members of the bar went to the adjoining court, following the judge and his circuit. It reminded one of the procession of the judges in England, especially at the Western Assizes, one hundred and fifty years ago. I have seen the judge move from one county to another with twenty-five lawyers in his procession. The adjournment of court witnessed a complete exodus of the lawyers. I have seen as many as fifteen hundred people at the court house in Boone or Logan or Wyoming on the first day of court, and yet the next week there would not be a lawyer in the town, and scarcely a person at the courthouse from the country.

The circuit rider was a most interesting man. He was a public man in every sense of the word. He was the adviser about all of the multifarious affairs of the country. He knew the condition, financial, social, political and personal, of almost

every man in his circuit. He knew the lines and the corners of the land surveys. He was the confidant of a vast number of people. The circuit rider, next to the physician, was the most important man in the county and district. The great land surveys overlapping the counties largely promoted this community of interest in the different counties. The people living on an about the lines of the county needed professional assistance in both counties. It was a life of intense action and change to the rider of the circuit. He was continually meeting old friends and making new ones, and he was the center of attention at the court.

In the days of which I write, the settling period of the State, almost every man needed advice about the land titles or some phase of his life in the fluxing condition of the country. The consequence was that practically every man who came to the court held consultation with a lawyer. This consultation occurred in the offices, at the courthouse, on the steps, sitting on the fence, under a tree, riding along the road, or on the street. Court day was an occasion for vast animation. Men were interested in the trials, for every trial concerned the people in some neighborhood. Numbers were interested in discussing the situation of the day, political and otherwise, many were making their business arrangements and meeting their neighbors.

The circuit rider was not a man who did his real work in the quietude of an office. It was distinctly different from the work of the lawyer of today. His work was with the cards on the table before the court and jury and crowded court room. The man who could win juries was the chief of the circuit. There

were some who achieved great reputation as advisors but these men strove for years to attain their position. The strong men of the circuit were those who tried cases before the jury and the crowded court room.

The cases in which the circuit rider generally showed his real ability were, I am sorry to say, the criminal cases—the murder cases, with the life of a human being at stake. As I write, that well remembered scene in many a county courthouse recurs to me. A crowding audience; a woman and her children in black, with her mother or a neighbor woman accompanying her; a prisoner sitting alert and pale, with a resolute father or brother hovering around; the lawyers watching every action of the prosecuting attorney; the foreign lawyers, distinguished and eloquent, brought in to make great speeches and assist in the trial; the bustling sheriff, with the witnesses in at the last moment; the anxious consultation of the friends of the prisoner with his attorneys; the last word of the avenger of blood with the prosecuting attorney; the people standing on the floor, sitting in the windows and crowding the bar; the arraignment of the prisoner, the motion to quash, and demurrer to the indictment; the empanelling of the jury; the motion to quash the panel; the examination under the *voir dire*; the witnesses called for the evidence. I remember the duel to the death between the lawyers, with a human life for its stake; the consultation of counsel; the private examination of witnesses far into the night; the days of exciting trial, with all the fluctuations of hope and despair; in the midst of the turmoil, the examination of authorities on instructions; the fight before the court on the giving of instructions; the hush that falls on the

listening court room like the dew of autumn in the night, when the supreme moment of the lawyer's life came; the rising before the expectant and crowded court and jury, with the life of a fellow being held in the hollow of his hand. This was the platform on which the circuit rider made his reputation.

On this plane, men of the type of J. H. McGinnis, Eustace Gibson, Milton French, James H. Ferguson, Ira McGinnis, Robert S. Brown, John E. Kenna, Joseph E. Chilton, Robert F. Dennis, C. C. Watts, J. H. Marcum and others played their great part before the people. The general impression of today is, that the circuit rider was a careless lawyer in the trial of causes. As a matter of fact many of the pleadings were not exact or artistic. I saw an important case once tried where by agreement a blank piece of paper was filed as a declaration, on the back of which the rules were taken up by the clerk. This, however, was not usual. The cases were carefully, if not artistically, prepared. These men were skilled beyond the men of this day as trial lawyers. The witnesses were carefully and rigidly examined and some of the strongest presentations of causes both by evidence and argument that I have ever heard in the court house were presented at the bar by the circuit rider. He was before a most critical audience where the weakling stood little show. It was a merciless criticism that the lawyer had to endure and up the creeks and hollows, on the mountain and by the banks of the rivers, at the homes of the people, his character and ability were dissected by the men of the county. The circuit rider was a man to be feared in the trial. He was a man generally of one book, with the principles of the law well grounded in

his mind, and this of itself makes a formidable antagonist. His library generally consisted of Robinson's Forms, Robinson's Practice and Pleading, Tucker's Commentaries, Mayo's Guide, and a copy of the State report having a decision in the principles of his case. When a man understood these books, he was a good lawyer. One of the best grounded lawyers with whom I have been acquainted was a circuit rider who knew Tucker's Commentaries from beginning to end. The equipment of a circuit rider consisted of a change of linen, a pair of leggings, his saddlebags and his court papers. Of course, oftentimes there was a bottle of corn whiskey or apple brandy stuck in the saddle bags. As to the court papers, you were allowed to file your bill or declaration or plea or answer on the first day of court in fair time for examination before the trial.

Though I was not a regular circuit rider, I was oftentimes on the circuit, and after the lapse of the years, the fascination of those days yet touches me with its delight. The long train of men filled with the joy of splendid physical existence, riding good horses, oftentimes with their clients following them, with all of the life and discussion and incident and news of the county around them was a procession filled with joy and life. It was a life which held firmly its votaries in its enduring charm. I like to think of the kindly greetings of the country people, the noonday dinner at the roadside farmhouse or the country hotel where the host had gathered his best to entertain the judge and the lawyers, the long table with its wholesome meal, the bustle and excitement incident to the coming of the lawyers! All of this was amidst the glory of the great mountains

with the bright sunshine shedding its light over all, with the hemlock, beech, hickory and towering poplar around you the air filled with that buoyancy which supremely touches the mountains. It was the joy of living in a new country, shedding its strength and life and hope around you. As I look back to the days of the merry jest and pleasant companionship, the clear road with the wonderful panorama of mountain and vale, green fields and waving trees about me, my soul touched and heightened with the wonderful aroma of the hills, the retrospection is marvelously sweet.

The circuit rider was met at the Court House by his clients. The hotels were filled with life and animation. The central figure of all of this movement was the circuit judge. He sat at the head of the long table in the dining room and no one took the judge's place. I remember being in one of the principal Circuits of the State when I was a candidate for the governorship. The judge of that circuit was one of my most formidable competitors, and as there was no other vacant chair at the time, I unwittingly saw down at the head of the table, taking his place. When he came in, I was struck with his expression, and as he took a seat at the side of the table, I apologized by explaining that I did not intend so early to take his place.

At the meeting of nearly every court of the circuit the political questions were open for discussion. The first day was generally given to popular discussion. If there was an election pending and there were any candidates for popular office, they were allowed a fair time in which to state their positions. The Democrat was allowed his time and the Republican

was given time to oppose him. These discussions were listened to by the people, who were tremendously interested, for the mountain people are great politicians.

The circuit riders of the Southern Circuit were in close touch with the business of the old Kanawha Bar. The Supreme Court and the United States Court were held at Charleston, and all causes arising from the collection of moneys for the state government were tried in the Circuit Court there. This brought the circuit riders to this county.

I knew the great majority of them at the time of which I am writing. Roads were beginning to be built and some railroads were constructed through the districts. That was producing a decline in the circuit rider but still he was in his glory. He belonged to a breed of peculiar men. All could be noticed and set apart, and their breezy mode of trying a case, even in the Court of Appeals, was easily distinguishable from that of men of the city and of the book. I heard that one of the most famous members of the circuit was one day arguing an important case in the Supreme Court. He read a decision which he thought was very apropos, which would in his opinion strengthen his case very materially. His comment on the decision was "pretty strong coffee, may it please the Court, pretty strong coffee."

Nearly always they excelled in declamation and oratory and appealed to broad principle rather than to the letter of the decision. In Raleigh County there was James H. McGinnis, familiarly known as "Fud," a keen, vigorous, well-equipped lawyer, and the greatest story-teller I have ever known. He was the father of W. H. McGinnis, the present

judge of the Supreme Court. From the same county was John W. McCreary, an able lawyer and far-seeing business man; in Boone County, Vene Samuels, Joel Stollings and Joseph Barrett; in Wayne, Gobel Burgess; in Cabell, Ira McGinnis, W. T. Thompson, afterwards State Treasurer, Judge Ferguson, Eustace Gibson and Thomas C. Harvey. The splendid lawyer and respected citizen of Huntington, Mayor C. W. Campbell, with the veteran criminal lawyer John Marcum, was one of the circuit riders from Lincoln County, and he is one of the two or three who are yet living. Joseph E. Chilton was on the circuit from Lincoln; David E. Johnston of Princeton, who afterwards became judge and congressman; Alexander N. Campbell of Monroe, for many years judge of the Greenbrier Circuit; T. H. Harvey was afterwards a judge of the circuit; C. W. Smith, known as "Cheesehead" Smith, afterwards judge of his circuit, a man of most wonderful address before a jury. When a lawyer on the opposite side would say, "We will now ask for instructions," Smith's reply was, "Very well, you ask for your instructions and I will ask for the verdict," which he generally got. Then there were Judge Robert S. Brown, of Jackson, Major Thomas L. Broun of Kanawha, who frequented habitually the Logan and Boone Circuits; Judge James H. Brown, of Kanawha, who practised in the Cabell court. There were Perry Simpson, Major Tomlinson and Captain Gunn from the Mason Circuit. They practised also in Jackson and Putnam.

Henry I. Fisher, from the same county, who was an able man, as eccentric as he was able. In the Greenbrier section were Governor Price, Robert

Dennis and Judge Holt, who were on the Greenbrier, Pocahontas and Monroe Circuits; John Alderson, who lived in Nicholas was for years the leader in the Braxton, Webster, Nicholas and Clay circuits; Judge Robert Fleming, a brother of Governor Fleming, practised in the Clay, Jackson and Roane circuit and was afterwards judge of that circuit; and Charles Edgar Hogg from Mason County, who arose to great and deserved prominence at a later day. J. M. Laidley, a man famous in the upbuilding of the Kanawha Valley, and especially of the great salt interests through this section, was one of the most persistent and noted of the circuit riders. Even in his old age, when he was decrepit in his body, he was a follower of the circuit of Logan and Boone counties. P. K. McComas, a member of the distinguished family of that name, who had inherited much of the family ability, traveled the circuit from Logan County. He was a bundle of eccentricities, but was a good trial lawyer. With him and from the same place was R. S. Stratton. Stratton particularly confined himself to the practise of the criminal law and was a vigorous and earnest politician and very effective on the stump. He was one of the heroic members of the Bar of Logan County, and was familiarly known as "Dick Stratton." When I knew him he was then a grizzled old man with a fine determined face, decisive in his utterances and dignified in his deportment. His feet and hands seemed to be paralyzed and he was unable to shut or open his fingers. He was injured in his legs and feet, but notwithstanding this defect, he was a man of splendid mould. He had a fine character and a high standing in the county. I asked some one how it was he was so

crippled and the reply was he was one of the parties in a historic fight which occurred above Boone Court House in the mountains. He had lived in Logan at the beginning of the Civil War and was a great Confederate and supported the South. He and Coffee Pete Dingis went over to join the Confederate forces which were encamped near Boone Court House before the battle at that place. As they passed through the mountains they did not dare to go to any house for fear of being arrested by the Union troops who were in that country. In the morning Stratton stayed on the hill and Coffee Pete went down to the house of a man named Hunter to get some breakfast for the two. Just after Coffee Pete had gone, Stratton ran across a tall and powerful man, and each believing that the other was a Union soldier, they immediately engaged in a tremendous fight. As a matter of fact the newcomer was Gilmore Garrison, one of the most powerful men in the county. He was also a Confederate and was on his way to join the southern forces at Boone Court House, but neither had time to explain the circumstances to the other and they became engaged in conflict. Gilmore Garrison had a knife of fine steel that cut like a razor, which he had made out of a file. He used it with terrible effect on Stratton, literally cutting him to pieces. Finally he struck with the knife at Stratton's heart and struck on a part of the other's metal accouterments, blunting the point of the knife. Stratton got hold of the weapon, which had not a point, but with which he carved Gilmore Garrison into bits. Just then Dingis came up, who, not knowing Garrison and seeing the battle, tried to end it by shooting him. But the combatants were so inextricably

mixed that he was not able to do so at once, and just as he was ready, they rolled over the cliff and Garrison fell fifty feet and disappeared from view. A little boy hearing the sounds of conflict came up the mountain and saw what had happened. Stratton was literally cut to pieces and Dingis was trying to staunch the flow of blood. The boy, seeing the knife said: "That is Gilmore Garrison's knife. He made it yesterday." Stratton, although bleeding to death, with the grim humor that stuck to him at all times, said, "I expect if you will look around you can tell from the color of his eye whether it was Gilmore Garrison." The boy looked around and in a moment found Garrison's eye. It had been literally carved out with the knife. Coffee Pete took Stratton to a house and saved his life, but he was always crippled. Garrison was found about two days afterwards here he had crawled up a ravine, and he was also crippled for life.

Stratton, after the war, practised law and was a great power in the politics of Logan County. He was a Democrat before all else and was always willing to sink any personal injury or grievance for the good of the Democratic Party. A man once was nominated by the Democrats in the county for office. He was personally obnoxious to Stratton and every one knew it. It was expected that Stratton would oppose him because of his personal dislike to the candidate and would defeat him at the election. After he and his wife had talked it over, as they always did, he arose in the Convention and said his first duty was to the Democratic Party, and as for his personal feelings and dislike, they made no difference when the Party and the country were to be considered.

His duty was to the State and to the Party and he would sink all his feelings in the patriotism that was demanded at that time. He said they should elect the candidate, however unfit he was, and however obnoxious he was to the speaker. It was a great speech and to have heard it meant to appreciate it. This was the gist of it—sinking self before his country. The Democrat, however personally unworthy the man, was elected through Stratton's splendid patriotism and non-selfishness,—thus illustrating the hold which Stratton had on the people. When his wife died, she who had been his helpmate for fifty years, the old fellow insisted upon making a speech over her coffin in which he told the neighbors and people in homely phrases what his wife had done for him, how she had made him and without her he would have been nothing. The present day does not seem to produce such men. He was a plain, unassuming man but great principles always predominated in his life. It would be well for the country today if more of the same type of men as Dick Stratton were alive.

Henry T. Simms, who afterwards became a partner of Mr. Enslow, was then a partner of Eustace Gibson. Simms was a very deeply learned lawyer, and afterwards developed into a good trial lawyer. The technical portion of trial law was at his fingers' ends. He afterwards became, with Joseph E. Chilton, the trial lawyer of the Chesapeake & Ohio Railroad Company. Before the advent of the railroad he followed the circuit with his then partner, Mr. Eustace Gibson.

Mr. John B. Laidley at this time practised in the counties of Wayne, Cabell and Lincoln, but had his home at the Cabell bar. He was possibly the best grounded lawyer in his home bar.

Eustace Gibson, from Cabell County, was one of the most distinguished of the circuit riders. As a matter of fact, he was one of the best trial lawyers that the Upper South has produced. He was unsurpassed in the cross-examination of witnesses. His understanding of the conditions around a case were almost unrivaled. He was quick, eloquent, witty, incisive, and afraid of nothing in the world, and he had the practice and pleading at his fingers' end. I had an interesting experience with him in the trial of a weird and strange murder case in the Kanawha Circuit Court. This case was an illustration of the proposition that we are never absolutely certain of anything. A woman and her son had been murdered at night, and before the neighbors knew about it the house was on fire. Mr. S. D. Littlepage, who afterwards became judge of the Circuit Court, and I had tried the case once and it had resulted in a hung jury. It was a strange case in that out of the half dozen counsel for the prosecution and defense, I was the only one who knew the real facts. This is a peculiar statement to make, because according to the ethics of the Bar, a lawyer should disclose to his co-counsel all that he knows of the case in hand. I was the senior counsel for the defense, and the facts were imparted to me in a way that imposed absolute secrecy. I am the only living person who knows the real truth of the case and I am the only lawyer interested in it who is living. Some day I will write its strange history.

But to the matter under consideration. I never before saw such an utter change brought about by testimony as was wrought in this case. A lot of household stuff was found by a search warrant in the

house of the brother of the prisoner at the bar. This was supposed to have been taken from the house of the murdered people. The search warrant was issued during the trial and we only learned about it when the witness was placed on the stand. Part of this material consisted of a little worn basket, a needle horn and a lot of quilt pieces. Samuel C. Burdette was leading counsel for the prosecution. Mr. Burdette was one of the most eloquent men at the Bar, thoroughly conversant with murder trials. He had been prosecuting attorney of the county and was a skilled and agile lawyer, who overlooked nothing in the trial. He afterwards became judge of the Circuit Court. Mr. Burdette had associated with him in the trial Mr. Adam B. Littlepage, afterwards congressman from this district. Mr. Littlepage was vigorous and strong and had tried many cases of this kind. The brother and two sisters of the murdered man were the son and daughters of the murdered woman. They were honest people. Counsel for the prosecution had found out from the brother that the articles belonged to the deceased woman, the mother of the witnesses whom they proposed to put on the stand. The Court House was packed and the sentiment was all against the accused. Both Mr. Littlepage and Mr. Burdette were filled with the dramatic, and trials of cases by them were characterized frequently by tremendous appeals to popular impression. They were adepts in utilizing the sidelights of a trial.

They put the daughter on the stand, keeping away from her the articles which were to be handed to her when they would have their most far-reaching effect. The first thing that Mr. Littlepage handed the

witness, the daughter of the woman supposed to have been murdered by the prisoner, was the horn containing the needles and pins. He asked her if she had ever seen that and to whom it belonged, and when she had last seen it. At once she was shaken with emotion, and with a sob that touched the heart of everybody in the Court House, as soon as she was able to speak, said it was her dear old mother's needle horn and she had last seen it in her mother's possession the day before her death. After waiting the proper time for her to recover herself and for the impression to be made, she was handed the little withe basket and asked about that. With another sob she said that was her mother's and she had last seen it in her mother's possession at the same time. Then the crowning act was put over by the astute managers of the prosecution when a large bundle of quilt pieces, such as would be made by an old woman, were handed to her and the witness was asked to whom these belonged and when she last saw them. With a voice full of emotion she said they belonged to her mother, and then she called out piece by piece, saying each was her mother's work and telling where it came from. The testimony was dramatically corroborated by the other sister. I do not know that I have ever seen a greater effect wrought upon a jury or court room by evidence. My client moved over close to me and whispered, "It looks like the people here might take hold of me." I said, "Yes, it does. I will be only too well satisfied if they only take hold of you and do not take hold of your lawyers."

When the court adjourned at night, the inflamed people stood around in knots and crowded over the

rail, looking with sinister eyes at the prisoner. The jury was absolutely for conviction. The effect of the two daughters' testimony had been tremendous. Something had to be done and in our desperation we concluded to send that night for the sister-in-law of the prisoner, at whose house the things were found. She lived in Boone County, and that night a messenger traveled post haste through the mountains to get the woman to the court by morning, in the desperate hope of clearing away the dreadful effect of the testimony of the two sisters. The prosecution rested. In the morning, just as court convened, she came. She was a tall, raw-boned, blue-eyed mountain woman, whose honest eyes looked straight at you. As soon as she came, she filled the defense with confidence. I said to her, "Whose are these things and where do they come from?" "They are mine," she answered. "Can you show it?" I asked. "I can," she replied. Before we had a chance to examine her further, we were summoned to trial. The Court was opened and the Court asked us if we had our witness there. Without any opportunity for further examination, she was put on the stand. Gibson afterwards remarked that in all of his experience he had never seen such a change wrought by a single witness as was wrought about in that case. When she came to the stand, I asked her who she was and where she had lived. She answered, she had lived before she went to Boone County next door to Mrs. Wallace, the dead woman. Amidst the tense breathing of the immense audience, I handed her the little horn and asked her whose it was. She replied, "It is mine." A murmur of derision went over the audience, but leaning over and pointing her long hand

into the crowd, she said: "Yes, and there Jim Turner stands. He made it for me and he made Mrs. Wallace (the murdered woman) one at the same time. This one is mine. Jim, come over here. Didn't you make that?" And before anyone had time to object to the irregularity, Turner replied, "Yes, I made one for you." Then I handed her the basket. She said, "Yes, that is my basket. Mrs. Wallace had one like it and we bought them at the same time from a man by the name of Robinson on Two Mile and I saw him here as I came in this morning and he will tell you about it. There he is, he will tell you." Then midst the tense, strained listening of the audience and the Court and the jury, I handed her the quilt pieces. She said, "Those are mine. I made them excepting this piece and this piece, which were made by Mrs. Wallace. She and I lived near each other and she and I exchanged pieces. This piece was made from Mrs. Wallace's dress and this piece was made from—(motioning to the daughter who had testified)—her dress." And reaching down to her underskirt, which among poor people is oftentimes made of an old dress, she said, "Here is a piece from this skirt which was an old dress," and then laying two or three of the pieces upon the dress which she had on, she said, "This was made from this dress," and reaching into her bosom and pulling out her underwaist, "This piece is made from this dress." And then after going over two or three of the other pieces and designating them by the neighbors who gave them, she stopped and looked straight forward, with her eyes filled with tears, and her honest face quivering with anguish. Lifting one of the squares to her lips and placing her worn and seamed face down on her hands with a

cry of sorrow that made the tears start to the eyes of every person in the audience, she said, "These pieces here are from the dress of my little dead girl, the only child I ever had." Every honest man knew she was telling the truth. The clouds from the case were dispelled in a moment and the foundation of a carefully built up case and the testimony of those honest but mistaken witnesses was swept away. It resulted in a hung jury. After this the case was never brought again to trial.

After a man became a circuit rider, it was, in a way, a disease with him and he never got over it. The only members of our own bar now living who traveled the circuit are my former partners, General C. C. Watts and Joseph E. Chilton. General Watts had a very distinguished career after he left the circuit and came to Kanawha. He was elected attorney general of this state and filled the place most ably and acceptably. Afterwards he was United States District Attorney for the District of West Virginia, and in that high place the experience in the trial of causes which he had on the circuit stood him in great stead. He left this important office with the reputation of being one of the best district attorneys in the history of the state. He was afterwards nominated by the Democratic party for the governorship of the state but it was in the turning point of our political affairs and he was defeated by his Republican opponent. He has been for years one of the leaders of the Southern West Virginia bar.

I once saw General Watts win a case upon a challenge in open court. We were defending a man who had been a postmaster and was accused of robbing the mail. The defendant was a man of good

family and was backed by his people. The charge was that he had rifled a registered envelope of money and had opened one corner of the envelope, part of which happened not to be gummed, and slipping in a split stick, had twisted out the money. General Goff, who was very strong and able, relentlessly prosecuted the case. General Watts challenged General Goff's statement that a stick had been used to get the money out and said that anybody could get their fingers in there and get that money out. It was a very tense moment in the court. General Goff immediately said, "If you can get that money out with your fingers, I will agree that you can have the verdict," or words to that effect. General Watts has exceedingly long, slender fingers. Standing in the open court in the presence of the jury, he accepted the challenge of the district attorney, and reaching for the envelope, he stuck his slender fingers in the end of the registered envelope and pulled the money out. This won his case and is fully illustrative of his nerve and character as a trial counsel.

General Watts was a mere boy when in the Confederate Army with Turner Ashley's Cavalry. He came from Albemarle County over in the Piedmont region. A man by the name of Darth, who never feared any face of clay, and who was one of the noted family of that name in the counties of Madison and Orange, told Doctor Shepherd that he and Watts were once playing hide and seek with three Federal cavalrymen. As they started around a house, the cavalrymen unwittingly rode into a lot of about three acres, whose entrance was a gate with an open staple and chain, all surrounded by a high fence. Watts and his friend dashed in after them. Watts'

companion was surprised to see him get off his horse, shut the gate and fasten it tight. He turned to him and from his horse said, "What in the devil are you doing, with those men trying to kill us." Watts replied, "I am not going to run from these fellows, and I'll be damned if they are going to run away either." He bolted the gate, and the five men who were locked in shot it out in bloody conflict.

Excepting C. W. Campbell and John Marcum of Huntington, the only other circuit rider of those days whom I know is my much loved friend, and partner for many years, Joseph E. Chilton. He is to me the most interesting man whom I have known and written about in this book. He has played a vital part in the real unwritten history of this region.

State history is composed mainly of those who hold office, and who, as the lawyers say, are "in the record" not of those who wisely advise others and themselves remain in the background. Joe Chilton is an illustration of this truism. He has not sought public office, but has affected the real history of his state by giving more sound counsel in critical times in the formulation of party policies or at the turning point of a law case,—as well as to those who needed wise advice in their personal or official affairs,—than any man within my fifty years' experience. I believe that he has devoted himself more unselfishly to private and public good without pay and without charge, by advice and by unselfish action, than any man I have known. Others of us, his contemporaries, who have held public office, who, as I say, have been "in the record" will live longer, yet not deservedly so, in the history of the state, than the man who was willing to stay behind the curtain and shift the scenes on the

stage whilst others received the applause and the reputation.

I probably know him better than does any other man. I know his weakness and his strength, and to an unbelievable extent he has both. Yet, I fail to write about him as he deserves. A strange contrariety of being, a law unto himself, not to be judged by the same standards as other men are judged. A master of complicated business developments, he allows others to reap the reward of his intelligence; a splendid advocate, he seeks and gets the verdict, yet others obtain the judgment. A famous negotiator and trader, yet he is contented with a modest fee whilst others bear off the results of his quick wit and ability. After a long trial and a lavish expenditure of his commanding ability and priceless experience, he is too often paid with a smile and with thanks. An indefatigable worker when interested, yet when the reward is obtained, he thrusts it into his vest pocket, to be given away to the first seeker. A wise counsellor of men, yet credulous beyond expression. A deep and discriminating student of human nature, yet to be taken in by a child. A fierce fighter when the battle is on, yet always unwilling to administer the *coup de grâce* to a foe.

Away back in the history of his family, the Chiltons being of ancient and a distinguished English lineage, one of the members married a Jewish lady, and in every other generation the Semitic lineaments of the Jewish ancestors have shown in person and physiognomy. This has manifested itself in Joe Chilton by a magnificent head of wavy dark hair, a high forehead and prominent Jewish mouth and nose,

bright eyes, a splendid face, fine and erect form, completing the ensemble of an ideal advocate before the jury and the people.

When I came to the bar, he was prosecuting attorney of Boone and Lincoln counties. He received his education as a lawyer in the great controversies about the land titles of that section and in and about the fierce personal controversies that seemed to cling around the banks of the Guyandotte River. He has always been a great manager of a law case. Full of humor, with a kindness of heart I have never seen excelled, and with a splendid, deep and sympathetic voice, a fine presence, deeply grounded in all of the principles of the law, he was always a great figure in the trial of an important case before jury and court of the circuit. The readiness and quickness which he gained on the circuit, the study of the law and the contemplation of its principles, made him a formidable antagonist in the trial of any class of case before court or jury. Knowing the people, and in touch with their lives, being able to understand and appreciate them as few men do, with the ability eloquently to express himself, he has been a great factor in the political controversies of the great Southern Circuit and of the State.

Today when the circuit riders have attended their last court and his compatriots and the system have gone with the dead past, oftentimes, I think, as he recalls the old days on the circuit, when he forded the clear waters of the streams, listened to the murmur of the wind on the mountain, contemplated the beauties of mountain and valley and hill and stream, touched hand and heart with the kindly people, wrestled hard and strong in the courts, he thinks of them as

the brightest and best of all the times in which his hands have wrought so vigorously.

He tried many of the important land cases of the circuit and effectually served those who were defendants in the great surveys from which they were being evicted by foreign holders. Today, after the lapse of years, so tenacious is his memory that he can go back and tell the points and the lines of many of the great surveys in Boone, Logan and Lincoln counties. Throughout the whole of this great region he was the adviser oftentimes without pay, and the lawyer frequently without compensation, of many of the people. Today, after forty years, the sons of the men whom he advised in the olden days come to him and get his sage advice as to the affairs affecting them in their far-away homes. In the development of the great Coal River region he played a masterful hand, and when he and Governor Sproul and I undertook its development, it was largely through Joe Chilton's knowledge of the great surveys and the wealth of the land, that we were enabled to build the Coal River Railroad and to develop that great section.

Naturally, one of such characteristics is in touch with every class of people. He tried many strange cases. I remember one calling for the wisdom of King Solomon, and from the diversity of testimony, all honest, it would have put King Solomon's wisdom to the test.

A girl about twenty-two or twenty-three years old at the time, who was working at the home of a Mr. G., was indicted and put in jail on a charge of kidnapping a baby. The facts were that there was a little girl baby about two years old, supposed

to be a child of Mrs. G., playing on the porch one evening, and the defendant picked the baby up, got on the train and went to Cincinnati. The papers gave a report of the matter, a warrant was sworn out, and the defendant was pursued and arrested in Cincinnati. When she was brought back and indicted for this offense she employed Mr. Chilton, and told him that the child was hers; that it had been born near Milton, Cabell County, at a certain time, and that a certain young man, whom we will call W. was its father; that when the child was born she had taken it to Mrs. G. and employed her to keep it and look after it for her, as she had no home in which to raise it; that she had each month sent Mrs. G. part of her wages for keeping it, but that it was her own child; that its father, who had been wounded in the army, was then at Fort Thomas, in Kentucky, and had written her if she would bring the child he would marry her; that she had gone to the lady who was keeping it for her, and had told her she wanted to take the child to its father, and that Mrs. G. refused to give it to her. She said that she, thereupon watched her opportunity, took the child and carried it to Cincinnati, and that she and its father were married.

As they had taken the child from her when she was arrested and given it back to the reputed mother, Chilton at once brought a habeas corpus before Judge Guthrie, and had the child put in possession of the sheriff until the case came on for trial. Mrs. G. employed General Watts and S. C. Burdette, two of the best lawyers at the bar, to appear to the habeas corpus for her. The trial before the Judge involved a week, and many witnesses, all seemingly honest,

gave the most diverse testimony. Mrs. G. claimed that the child was born to her and that a certain lady had attended her at the time. Witnesses of the utmost respectability testified to the same effect, and gave all the details. Chilton's client also told where the child was born, gave the circumstances, and said that she had taken it and employed Mrs. G. to keep it for her. She had registered to her every month a part of her wages, or had Mr. Baldridge, in whose house she lived, to do so. Many details were brought out in the case, which at the time was published in the New York papers and attracted a great deal of attention in the city. Before the trial of the habeas corpus sympathy was with Mrs. G., people thinking her baby had been kidnapped, but the result of the trial changed this opinion and established beyond question that Chilton's client was its mother, and the court promptly so decided and gave her the child.

The husband and wife are living in this state and the child, grown to be a woman, is happily married and living with her people. The trial of the case developed a love story, a woman that had been betrayed; a child that the mother had cared for as best she could, and the effort of another woman to claim it as her own; and the production of credible, seemingly honest testimony to prove her contention.

In all of these years Joe Chilton has been an example of abiding charity,—charity of expression, charity of thought, and charity of giving. Right or wrong, no man has ever asked of him, when he had anything to give, and was turned down. The tale of sorrow has always been honored. Once I remonstrated with him about giving charity to people unworthy of it, and asked him why he did it, and he

replied, "Well, if I did not give it, I might make a mistake." This has been the theory and the practice upon which he has based his life.

Through it all, the law, the fierce political controversies, the money-making, the great developing operations, where the cupidity and the passions of men seeking to get rich have been stirred to their depths, he has remained at heart the simple man of the country. The scent of the burning leaves in the valley in the springtime, or the wood-smoke from the cottage in the hills, have always been sweeter to him than the aroma of the parks of the city. And the plain simple talk of the man of the mountains, and of the farmer in the meadow, has always been more welcome than the babble of those who live in the streets and in the marts of the multitude.

He is a bundle of contrarities. One day I went to see him when he was very ill. It seemed to me that it might be his last illness. A black cigar, unlighted, was in his mouth; he was asleep. The nurse was sitting beside him and a pointer dog was on the foot of his bed. In one hand he held the Bible, open, and in the other a racing sheet.

As the shadows are getting long on the paths of my old friend and myself, I want to have a little heart to heart talk about him before we go. The man who has lived the long lifetime and cannot talk the heart of his heart about some other man has made a failure of life. He has left out the most precious thing, next to His love, which has been bequeathed by the Good God to people here upon earth. I want to pay the tribute of my heart to this man. In all of my long life with him, filled with important things, in poverty and in wealth, there were times when

we did not know where the next dollar was to come from. Again, our income was sometimes more than two hundred and fifty thousand dollars a year. Through it all, through the agonies of hope, the depths of failure, the sunshine of success—through money-making, and through politics, where man's worst passions are aroused there never was a suspicion of jealousy, a tithe of want of confidence, or for a moment, the lessening of that love which has continued, and, I hope, will continue to the end. This was due to him, not to me, and to him, before we go on the Great Adventure, I want to give him this tribute of my abiding affection and deep regard and confidence.

And when the time comes that he appeals for mercy before the Throne to which we all alike will make supplication for forgiveness, I believe the tears of those whom in trouble he has helped, the weary men, the homeless children, the sick and the hungry, will pour in a flood on the Book and wash away the last stain.

Frank B. Enslow, who afterwards achieved a great reputation as a corporation lawyer, began the practice at the bar of Huntington and practiced very largely in this Southern District. He did not become a regular follower of this circuit until after the construction of the railroad when the days of the circuit rider were largely over. He was a circuit rider *de luxe*.

Enslow was a fine, splendid-looking man, with a mind always in action that intuitively grasped a great situation. I had an experience with him in regard to the purchasing and rebuilding of the White Sulphur Springs which is interesting. About 1904, Edwin

Hawley purchased the Chesapeake & Ohio road and Hocking Valley and linked up with the present Chesapeake & Ohio of Indiana, so that this made a connection with the West and the Lakes. Had he lived he would have rivaled Harriman, for I never knew a man who had a more comprehensive and extensive grasp of the railroad situation, joined with an ability to successfully carry his plans into execution. Enslow belonged to one of the ruling families of the South and he and I were much interested in its development and rejuvenation. One of the places of peculiar interest to us was the White Sulphur Springs. It had played a wonderful part in the social and political economy of the old South. It had been particularly the playground and the home of the Southern people, and had been for a long while, the real capital of the nation. There the Presidents had long made their summer homes. There was the seat of the old glories of the South. All the old families came and for six months of the year the White Sulphur was their home. They made no mere visit as they do today, but an extended stay, with their horses and carriages, their manservants, their maids and cooks, and all the entourage of the baronial home of the south. There were assembled the South's youth and beauty, the manhood and womanhood, with their smiles and joys and tears, their engagements and marriages, and there met in conference for many years the men who really ruled the south, and as a matter of fact, ruled the nation. There were the women of the south, the necromancy of whose smiles governed the land, and there, when the conflict was lost, assembled the men whose heart's work was the making of the grass to grow on the

desolate battle fields, and whose hands were erecting the broken porticoes and lifting the fallen pillars of their home land. It was a place such as has never before been seen in this country, and its like will never again be witnessed.

The Old South had lost in the conflict and an effort had been made to revivify the "White's" glories, but it had not succeeded. Naught was left but the broken buildings, the life-giving springs, the green of the grass, the majestic trees, the translucency of the brilliant air, the witchery of the sunlight, and the memories of the old days. The old place was in its decadence. It seemed that with the power and wealth of the South gone, that the old "White" was passing along the path down which sooner or later all men and women and institutions journey.

Enslow one day said to me that he believed we could get Hawley to buy the Springs for the Chesapeake & Ohio and rejuvenate the old place. In this he was joined by George W. Stevens, President of the Chesapeake & Ohio at that time, and by Colonel Garrett Wall, the last named having those matters especially in hand. When Enslow mentioned the name of the financier, my heart failed me. Edwin Hawley was a cold, silent man, with no sentiment towards the south. He had a cold grey eye, and an impassive face, with nothing in his make-up except the desire of building up a dividend paying property and of manipulating its stock. He was the most silent man I ever knew. He cared nothing for the wiles of society. He knew no society people, and the play of society, with its many sides, did not interest him. It all struck me as being as cold an undertaking, as I had ever known, but Enslow

persuaded me to his views, and as Stevens and Wall were already hard at it, we began the work. We went out on a railroad inspection trip and returned with Hawley to the White Sulphur, with its grand trees, its imposing old houses, its life-giving water. We gave him an idea of what the Springs had been and the forecast of what the Springs could be, but never intimated that he should purchase it. He was being inoculated with its beauty, as is every one who goes there.

Then, again, in two months, we went on another inspection, and we stayed over at the "White." One evening during our stay, Hawley inquired how much land the company held, the value of it, but made never a suggestion of purchase. In my dealings with men, I have found out that you should never be satisfied with a superficial examination. You should know men and you will find within them beauties and dangers and thoughts that you never knew nor appreciated. Hawley was gradually being inoculated with the South,—Wall, from Kentucky, Enslow from Alabama, Stevens, whose whole lifetime had been spent in the South, and the writer from old Virginia, were giving him the feel, of the olden times at the "White."

And then we gave him a dinner. I remember it well. There were sixty people present. It was in the summertime, with the cool nights and bright moonlight and perfume of the flowers, and the whippoorwills singing all the night long. We invited many of the beautiful women of the south, and all the stately old men, with their courtly air and their beneficent ways. There happened to be present a large number of the habitués of the old régime of

the "White" itself. Wall selected the dinner with wonderful care, and what a splendid southern dinner it was! A mint julep was served in long glasses with the mint eight inches high,—a mint julep, as you tasted it, that reminded you of the nectar of Hymettus. A dainty dish of terrapin just from the Chesapeake Bay, prepared with a dash of old Sherry, served along with Madeira sixty years in the wood,—verily, the sipping of ambrosia. Then came the *pièce de résistance*—a half of a canvas-back duck, for each plate, cut by a cleaver directly in two, and served with heaping plates of hot Virginia corn dodgers and vegetables fresh from the Company's gardens, while the whole was crowned with golden Champagne.

Enslow sat at the foot of the table. I sat at the head, with a beautiful woman at my side, with Hawley next to her and on his other side a marvelous white-haired matron of the olden days, who could speak in golden words of the glories of the "White." Even to the cold, silent man facing me, the dinner was an inspiration. His face was flushed, not with champagne, but with the exhilaration of the occasion, and his eye, which usually was far-off, brightened with a light which it never knew before. I remember that I toasted him as the only stranger in the party, and then took occasion to speak of departed days, with their beautiful women, their splendid men, their prancing horses and the wonders of our southern civilization; and of the glamour and the smiles and tears which it had seen for one hundred years. I said that it was in its decadence, but had still the splendid life of the South around and about it and in its old haunts, and turning to the silent man, added: "There is one among us

today, from the North, it is true, who is moved with the sweetness and beauty and the romance of the cavaliers and the beautiful women of the old place, and he proposes to touch with his golden wand the old 'White,' and to bring back its wonderful life." At that, everyone arose, beautiful women and brave men, with their glasses in their hand, many with tears in their eyes, and turned to him. He received such an ovation as falls to the lot of few men. He alone remained seated. But he was touched with the inspiration of the occasion, for after a moment he arose and bowed, his face flushed and his eye gleaming. I knew then, and Enslow knew, and Stevens knew, and Wall knew, that the victory was won, and the old "White" would be revived by him.

The next morning, taking a walk through Lover's Lane, he remarked to me as if he had just heard of it, as if it all was part of the day's work, "I believe that I will buy this place and turn it over to the Chesapeake & Ohio and rebuild it." He did, and that is the real history of the rejuvenation of the old "White."

CHAPTER XII

THE CIRCUIT RIDER (*Continued*). COLONEL MILTON
FRENCH. JUDGE EVERMONT WARD. JUDGE
THOMAS H. HARVEY. THE FEUDS.

MARTIN H. HOLT followed the circuit from Raleigh. Holt always spoke in an exceedingly loud voice and once at Charleston he was arguing a matter before the Supreme Court of Appeals which then consisted of three members, and as usual was talking very loud. The president of the court said, "Mr. Holt, we are right near you and we can hear everything you say in a very much lower tone." He made a profound bow and expressed his regret by saying, "If your Honors please, I have been so in the habit of speaking to the County Court of Raleigh County and your Honorable Court looks so much like the County Court of Raleigh, that I forgot myself," and with this apology went on with his argument.

R. C. McClaugherty, of Mercer, and H. I. Gillespie from Raleigh County, both afterwards judges of the circuit, were likewise distinguished members. Judge Gillespie then had the largest private legal library in the State of West Virginia. He afterwards went to California, where he made a great name for himself and earned a large fortune in the practice of the law.

At this time James H. Miller was beginning his interesting career in the county of Summers. He began his practice as the circuit riding era was diminishing in importance, and traveled the circuit in which were the counties of Summers, Raleigh, Mercer, and Fayette. He has been a most potent figure in this section. He is a man of few words, quiet and difficult in his intercourse with the people—of deep, vigorous feeling, and fine standing—a clear-headed lawyer, not given to public speaking.

John H. Marcum lived in Wayne and practiced in the lower section of the Southern District. He was par excellence a criminal lawyer. He possesses a far reaching knowledge of criminal decisions in this tier of states, and is one of the most thoroughly read criminal lawyers in this country. He has had greater experience than any man I know today in the trial of murder cases. He has a splendid physical make-up, a strong voice, an acute and quick mind, and is resolute and fears nothing. When he is interested in a case he has no respect for the court if it countervenes his ideas of what is right. The last time I talked with him four or five years ago he had tried one hundred and eighty-five murder cases. This is a vast record—and he is still trying them. No longer is he on the circuit, but when a case somewhere is very red-handed, he is called to try it. He is one of our greatest criminal lawyers.

C. W. Campbell, the other circuit rider of the olden days, is a different type of man. He is quiet, unassuming, does not make many speeches, is pertinacious, and like all Scotch-Irish Presbyterians, a little narrow in his views, though they are nearly always right. He is a very able land lawyer and has

bestowed his attention particularly on this branch of the law. He was a leader in the Legislature, and has been Mayor of the City of Huntington, in which he resides, where he has worked out great reforms in the administration of the city's finances. He is a splendid type of the old time lawyer, careful and highly respected. He knows his ground thoroughly before he moves, and his judgment is one of the most thorough on the land titles of our state. He left the circuit long ago with the changing tide of affairs and made his home in Huntington, and only in special cases is he now called to the counties where he was once a circuit rider.

Belonging to a younger generation than those about which I have written, is Hon. Z. T. Vinson, of Huntington. He practices in the Circuit of Wayne, Mingo, Logan and Lincoln, and has been a great force in the development of this state and of the adjoining state of Kentucky. He has bestowed his attention to the building up of great interests and the perfecting of the titles of great surveys, and has been of great use to the community in which he has lived, and especially to that end of the state. He is a strong lawyer, able, discriminative, and has devoted himself especially to the law of the Interstate Commerce Commission, where he has done great good in the modification of unjust rates towards West Virginia. An all around lawyer, kindly, careful and a very hard student, he has been wonderfully successful. He came to the bar just at the time the circuits were breaking up and the circuit riders were ceasing from their labors.

One of the most confirmed circuit riders of the Mercer-Raleigh-Wyoming-Logan circuit was Colonel

Milton H. French. He belonged to the distinguished family of that name of Southwestern Virginia. He was a man of most unusual appearance. When I first knew him he had long black hair, and a glossy black beard which extended almost to his waist. He was a very peculiar man in his advocacy and management of a law case, yet was characterized by a most engaging and easy air. He did not work at the law, but he knew all its essential principles. When he went into a case he managed so that someone who worked assiduously at the law would be employed and then he talked with this man as to the principles governing the case. He had his Junior get up the decisions and the points of law. He stood around the court house and talked to the people and thought about the case, but did not seem much interested in it. He made long speeches, in an important case rarely less than a whole day, and with one or two exceptions, he was the only man that I ever heard who could make a four or five hour speech a matter of continuing attention and interest. The only other man that I knew who could do this successfully was John D. Alderson, who led the Nicholas circuit. The last speech that I heard Alderson make was in a convention. It lasted two hours, and every minute of it was of absorbing interest. Colonel French was of a like character, observed the principles of the law and was a great reader. He too was exceedingly eloquent. He could fire up a political audience with a few sentences, so that everybody would be on his feet and at attention. Everything possible was worked into his speech in a criminal argument. Tears were as plentiful as the leaves of Vallambrosa, and, unlike Job Trotter, he did not have to stick the corner of a

handkerchief in his eye to make himself cry. The tears just dropped from his eyelids and down upon his coat.

As I say, he was a confirmed circuit rider. He followed the Judge of the circuit in each of the counties. He was largely employed whenever the case required any unusual ability, particularly when it was a red-handed murder case. In murder causes his genius and ability and eloquence were most in evidence. He was certainly one of the most eloquent men of that day in Southern West Virginia or in Southwestern Virginia. There were none of the tricks of the trade that he did not have ready upon the point of his tongue, or that he could not in a moment's warning fish up from his vast experience, which he would emphasize in the most telling and thrilling manner. He was naturally a good lawyer and his bright eyes, high forehead, long hair and flowing beard emphasized his acute legal mind. The lawyers on the other side were continually watching for him to spring something or another upon them in a case. With all this, he largely depended on his argument before the jury. In that argument everything was woven in which fancy could demand, or the circumstances of the case and his great experience with the people, could call forth. His speech generally occupied a whole day in a case of murder, and when he got through, there was generally a verdict of acquittal, or, if it was a tight case, the jury was in a condition of bewilderment that would not allow the verdict asked for by the prosecution.

My friend, Senator D. E. French, of Welch, a kinsman of Colonel French, says that years ago when he

was a boy on the farm in Virginia, he knew a man by the name of Tickle. One day Tickle told him of a case tried at Bland Court House, shortly after the war, which illustrated the peculiar ability and power of Colonel French before a jury. Tickle sat on the jury and Colonel French was counsel for the prisoner. It was a murder case, a little negro boy being charged with murdering an old negro man. The facts, briefly, were that the old negro man and the boy worked for a farmer and lived in a cabin close to the family residence. One night they had a violent quarrel. The boy went to the family residence, procured a double-barrel shot gun and waited outside the cabin until the old man came out, then shot him with both barrels of the gun, killing him instantly. It seems there was little evidence on behalf of the defendant. Under the law as it then was the defendant could not testify in his own behalf. Colonel Milt French argued the case for nearly a whole day, and every once in a while in his argument he would seem to be greatly affected and would say: "Ah, gentlemen of the jury, if I could only tell you what this poor little negro boy told me in the dark recesses of his dungeon, there would be no doubt about what your verdict would be!" Each time when he reached this point he was overcome, and tears would stream from his eyes and down his face and over his long, black beard. The jury was so greatly impressed with this statement that when they went to their room to consider their verdict, all felt that there must be something, some extenuating circumstance in behalf of the boy which had not been brought out in the evidence, and which Colonel Milt could not introduce. They therefore found him not

guilty of murder in the first degree, but guilty of a lesser offense.

Some time afterwards, Tickle said that he met Colonel French in the road, and, having been greatly impressed by the argument made by him and his statement as to what the boy had told him, he stopped the Colonel and said to him, "Colonel Milt, I wish you would tell me what it was that negro boy told you which so deeply affected you and which you could not tell the jury." The colonel replied: "Why, he told me he did kill the damned old nigger and if he had it to do over, he would kill him again. Of course, if I had told you what the boy said, there would not have been any doubt as to what the verdict would have been."

This District produced some interesting judges. One of the most interesting was the venerable Thomas H. Harvey of Cabell County. A fine lawyer, he was a confirmed circuit rider and among the best trial lawyers in the country, thoroughly knowing the principles of the law, but nervous, earnest and in a hurry. He could not bear the lawyer who was stupid and did not know the principles of the case, and, ere he knew it, he himself was trying the case. He would swear on the bench. I heard him swear in an important case in Lincoln County. They all seemed to take it for granted. No one seemed to regard it amiss and he was very vigorous and earnest in it. With all, he was a good lawyer, a splendid and honest judge, and absolutely loved by the people. Yet he was eccentric in this particular,—patience was not one of his virtues. I was telling Judge Poffenbarger about hearing him swear on the bench at something that did not suit him. Judge

Poffenbarger told me an interesting story about him.

At the first term of court held by Judge Harvey in Lincoln or Logan County, he was advised privately that an indictment had been returned against some poor creature for having sold his vote in the election in which the Judge had prevailed, and also that if the matter of bribery in that election should be opened up, it might prove to be embarrassing to some of his friends. As the indicted parties were arraigned, the Judge gave special attention to the individual whose name had been given him. When the indictment was reached, the fellow was ordered to stand up and proved to be a distressing specimen of humanity, being long-haired, ragged and barefooted. The Judge advised him of the charge against him and called upon him to say whether he was guilty or not. He said he was not guilty. Thereupon the Judge said, "Have you an attorney?" He said "No." "Have you any money?" "No." "Have you any friends upon whom you can rely for assistance?" "No." Turning to the Clerk, the Judge said, "Mr. Clerk, take this man's personal recognizance to appear here on the first day of the next term of this court." Then addressing the prisoner, he said, "And you be damned careful not to come."

Judge Evermont Ward was on the bench of the Logan Circuit Court when I first attended that court. He had been a great circuit rider. He was most peculiar in his personal appearance, a thin spare man, with a scraggly gray beard, piercing eyes and a beautifully formed head. When I first saw him, however, I could only see his eyes and the top of his head. He had the neuralgia and his face was

wrapped in an old fashioned knit comforter. He was presiding over a murder trial in a courtroom packed and crowded. Whilst announcing a ruling on evidence, to my amazement I saw him reach down in his pocket, take out a long stemmed pipe, fill it with home grown leaf tobacco, scratch a match on the desk, light it, and then as if it was a matter of every day occurrence, lean back and enjoy a smoke while the trial was proceeding. I afterwards found by reason of his condition of health smoking was helpful to him and that it was done as a matter of course. His court was conducted with the most absolute decorum and courtesy, yet I have seen him take his pipe out of his mouth to deliver judgment and rulings in the most important matters pending before him.

In the troublous times before the war he had been a great figure on the stump and was regarded as one of the most virile speakers through the region of South-western Virginia and Western Kentucky. He was a man of great nervous energy and activity. When he became judge of Logan Circuit, of course his activities along the line of public speaking were largely curtailed. His speaking energy demanded an outlet and he devoted himself with enormous care to the preparation of his charges to the grand jury and to the sentences of men convicted of murder, the latter of which, alas! were very many. His sentences of men to be hanged were most remarkable. They were prepared with much care, delivered with great dramatic effect, and always to a crowded court house. I heard one of them, and I think of its kind, it was the most dramatic statement I ever heard from the bench. The sentence was twenty

minutes in its delivery. I remember only one section, when, raising his eyes to the dense forest clothing the mountains surrounding the Court House, Judge Ward exclaimed:

"As I look into the grand forest covering these mountains, I see thousands of trees shading them from base to summit. If every tree had a thousand limbs and every limb had a thousand twigs and if every twig had a thousand leaves and if every leaf had a thousand tongues, each tongue would proclaim you guilty! guilty! guilty!"

The sentence was delivered with all the dramatic fervor and effect of a finished orator. His voice was high and thrilling, and penetrated to the utmost limits of the courthouse. It had a magnetic effect and every man in that crowded court house listened with bated breath. I am sorry that I am only able to recollect the above section of the sentence.

My friend, Herbert Fitzpatrick, a distinguished member of the younger bar, heard that a lady had preserved a printed copy of one of Judge Ward's sentences and he procured it for me. At Dusenberry Mill on Guyan River a woman named Matilda Meehling assisted a man named Williams in the murder of her husband. Williams was hanged by a mob in the Cabell County court house yard on the site where Morris-Harvey college now stands. Mrs. Meehling was given a life-time sentence in the State penitentiary, where she died two years later.

In passing sentence on Mrs. Meehling for the murder of her husband, Judge Ward gave the annals of court history of Southern West Virginia one of its most eloquent chapters.

This sentence was a literary masterpiece, from a

legal standpoint. The jury having returned a verdict of murder in the first degree, with the recommendation of life imprisonment, Judge Ward faced the prisoner in the court room at Barboursville and spoke as follows:

"Matilda Meehling, you have been indicted, tried by a jury of your country, and convicted of murder in the first degree, murder with malice aforethought—of wilful, deliberate, premeditated murder. Of the correctness of this verdict there is not only no reasonable doubt, but not even the shadow of a doubt.

"The atrocity of your crime is almost without a parallel. The deed of which you have been convicted is one of the foulest that blackens the annals of time. You were a poor girl, in the humblest walks of life. An honest, sober, industrious young man, with no fortune but his own strong arm and manly resolves, led you to the altar. You there gave him your hand, and, he supposed, your heart. He vowed to love, protect, and cherish you, and forsaking all others cleave alone unto you, and he paid his vow to the Most High. He made you the partner of his bosom and the mother of his children, and provided you with reasonable comforts. He purchased a handsome little farm, on time, payable in numerous small installments, improved it, stocked it, and paid all but a small pittance of the purchase money. He doubtless looked forward with bright expectations to an early period in the future when he could have a comfortable little home for his loved ones and owe no man anything. But, alas for human expectations! He employed Williams as a laborer, not dreaming that he was taking an adder into his

bosom, a serpent into his Eden to mar his happiness and destroy his life—but it was so.

“Williams dishonored his house, defiled his bed, and with his bloody minded and adulterous wife conspired his death. After the intimacy between yourself and Williams commenced the presence of your lawful husband could no longer be brooked. He became a ‘Mordecai, the Jew, at the King’s gate.’ You could not consent to have your pleasures broken or circumscribed.

“Twice you attempted to poison him and twice you failed by administering overdoses, although you witnessed the terrible suffering he had to undergo on account of your cruel and inhuman act, your iron heart never felt the soft touches of pity. You saw his hands withering, his limbs paralyzing, and his frame wasting from the effects of the poison. Grim Death was slowly and certainly doing his work, but too tardily for your impatient spirit. You could not leave to time his taking off, but you urged your associate to speedy work—the deed must be done this night—this very night. You could not let the hallowed Sabbath pass. He follows your evil counsels and in a few hours afterwards the dreadful deed was done—a deed which time can not erase or the ocean’s waters wash out—a deed as deep, as foul, as black as any recorded on history’s pages. Whilst your poor husband is sitting before the fire, all unconscious of impending evil, he sees the uplifted axe, and has but time to say, ‘Oh, don’t kill me!’ and blow after blow falls on his head. . . . Next the head is almost severed from the body with a butcher’s knife.

“The evidence does not show how he obtained this knife, but your little boy, of too tender years to be

sworn, whilst sitting on my knee, told me that you gave him the knife. He is now taken by the head and heels and buried in the dung and filth of the stable, and animals are turned in to trample upon his already mangled remains. You return, wash up the blood, and you and your associate inaugurate a new administration, take the superintendence of affairs, and all goes merrily, although within sixty or seventy yards of this horrid spectacle. In a few days your husband is missing—an alarm is felt by the neighbors, but none by yourself and Williams. Suspensions, however, are aroused and fall in the right direction. Williams and yourself are arrested and committed to jail. All turn out to make search, and in the stable buried in the dung, trodden over by the horses, there are found the mangled remains of a man who had lived amongst them, and commanded their respect and esteem, exhibiting a spectacle the very thought of which is sickening to the human heart. They were justly indignant, but let feeling carry them too far, they did not wait for the sentence of the law, but took judgment into their own hands. This was wrong. The law should have been permitted to take its course; for while it reveals its terrors to the guilty offender, it is at the same time the staff of honesty and the child of innocence.

“They came in mass to the jail, took Williams, and hung him. You were then brought out and the vote taken in your case, and at first there was not dissenting voice. But after a moment’s pause some noble and manly-spirited fellow said: ‘No, gentlemen, no,—she is a woman; for the honor of her sex, spare her; forbear and let the law take its course.’ Every soul yielded silent acquiescence, the crowd dispersed, and

you were returned to your cell, and now the law has taken its course; its sentence is written, and it becomes my painful duty to pronounce it upon you.

"And now, twice has your life been saved solely on account of your sex. You are a woman, and woman is Heaven's best, divinest gift to man. She is his acknowledged superior in all the excellences and refinements of life. She is pure. She is tender. She is kind. She is affectionate and loving; and masculine man not only loves but adores her, and the more so as she is part and parcel of his own being; taken from his side to be his equal—under his arm to receive his protection—from near his heart to be loved. He regards her as a being dwelling in an atmosphere pure and serene, and made a little lower than the angels. But, like the angels who kept not their first estate, she sometimes becomes fallen, and when she falls great is the fall. When she once turns fiend she becomes a fiend incarnate.

"Twice, I repeat, your life has been spared because you are a woman; once by the mob and once by the jury. I do not condemn but appreciate this feeling. Mercy is the darling attribute of the Everliving and Just. But this mercy was not shown on account of your supplications for it—not in answer to your imploring cry of 'That mercy I to others show, that mercy show to me'—but simply on account of your sex. It may be mercy to you to have your days prolonged as it gives greater opportunities for a preparation to meet the Judge of all the earth; but still your fate is hard, very hard indeed. You are to be excluded from society and housed with its outcast, without regard to race, color or previous condition,

and doomed to hard labor and coarse diet all the days of your life.

"It is no small matter to give up our worldly enjoyments, but with you they are pretty much at an end. Your neighborly visits, your social meetings, and your church-goings are now things of the past. When you leave this place you will have gazed, perhaps for the last time, upon the features of your aged father and your little children whom you leave in the world without a mother's oversight, and with no father save the Father in Heaven, who (thanks to his Holy name) will ever be a father to the fatherless. When you leave us, you leave us no more to return amongst us. Your counsel, in his eloquent appeals for mercy in your behalf begged that you might be permitted to return, even though it be when your locks were whitened by time and your frame bent with age and infirmity. This can not be; but were it possible, there would then be nothing to interest you. All things would be strange—passingly strange. The farms and roads would be changed, the little saplings would be trees, the old people gone and the young people old. They could afford you no pleasure; but if they could, that pleasure is forfeited. Your body must remain in the damp cells of the penitentiary until it is consigned to the colder chamber of the grave. And, Matilda, when your earthly imprisonment ends you will have another trial to undergo before the great Judge, the righteous and unerring Judge, whose eye extends over all the transactions of the children of men, and 'without whose knowledge not a sparrow falleth to the ground.' He will judge without jury or witnesses, and from his sentence, there is no appeal. O Woman! prepare

to meet thy God. Give up all hope or expectation of worldly pleasure. Such hopes will prove delusive and false, and the veriest of vanities. Send your petition to the throne of the Heavenly Grace. Rely not on your own merits, for we are all without merit; but plead the merits of One whose atoning virtues are sufficient to blot out the sins of the whole world.

"The sentence of the law is that you be taken to jail and the sheriff of this county convey you from thence to the public jail or penitentiary house of the State, and that you be therein confined during your natural life. And may you there learn to unlearn what you have learned amiss!"

Equally eloquent was his sentence of death pronounced on Laban T. Walker, at the August Term (1879) of the Circuit Court of Wayne County, which is as follows:

"LABAN T. WALKER, this is a sad, solemn, and trying hour to you, and a most unpleasant one to me. I am now called upon to perform the most painful duty of my public life; but it is my duty, my high and solemn duty, a duty I owe to society and government, and which I must perform. Had you performed the obligations resting upon you as a man and citizen, and lived uprightly and hurt nobody, I would have been spared the painful feeling of this occasion, and you would not now be compelled to drink this cup of bitterness to its dregs.

"But you have disregarded the obligation you owed to society, and shown to the world that you possessed a heart desperately depraved and fatally bent on mischief. The kinder and nobler feelings of our nature seem not have found a lodgment in it. You have wantonly and wickedly imbued your hands in

the blood of your fellow-man, and that blood now cries from the earth against you. You have taken the charmed life of a human being, and sent a creature bearing God's image unbidden into his presence; you have taken that which you cannot restore—that which all the demons in purgatory, the men on earth, or the angels in heaven cannot give. No creature in heaven above or earth beneath can give life to a blade of grass, save God alone. By taking life, you have robbed a creature of his all in all—'all that a man hath will he give for his life'—'tis the precious gift of the immortal God. Had Pat Noland been possessed of all the treasures of earth, in order to save his life and live out his allotted days he would have surrendered them. But you gave him no chance for capitulation, not a moment of time in which to say, 'Lord, be merciful to me, a sinner'; but robbed him in an instant of the most precious jewel, earth's pearl of price, and sent him unannounced and unanointed into the undiscovered land; cut him off from every earthly enjoyment, closed his eyes forever to all the loved and endearing scenes of earth, to the hill and the vale, the brook and the river, to the floating clouds, sun, moon, and stars—to these and all things else he must bid a long and final adieu. Farewell to the world—farewell to the holy heavenly light—farewell to earth's great trinity of blessings—wife, children and friends—farewell to all—farewell forever. Oh, that word FOREVER! 'Tis an endless circle. Could the poor weary soul journey around it for a million of years, the end would not be reached, and should it cry out in the language of despair, How long! O, how long! the echoing answer would be forever—ever—ever.

"There is a law that is said to have been penned more than three thousand years ago—it has come down to us over the long track of time, hoary with age—"Thou shalt not kill." The penalty attached to its violation was penned about the same time, 'He who sheddeth man's blood, by man shall his blood be shed.' This law you have violated, this dreadful penalty has attached to your offense. You have been indicted, tried, and found guilty, and it now becomes my painful duty to pronounce the terrible sentence of the law upon you; but before doing so I will give you my parting advice, Remember that there is a great and unerring Judge before whom all the judges of earth must appear; that he is infinite in power, wisdom, and mercy. Give up all wordly expectations, fall at his feet, send your prayers to the throne of his heavenly grace, and may you yet hear a still small voice—"Son, thy sins, which are many, are forgiven thee"; 'though they be as scarlet, I will make them as wool.'

"The sentence of the law is that you be taken from the jail of this county by the sheriff on Friday, the 28th day of November, 1879, to a place of execution selected by said sheriff, and that you then and there be hung by the neck until you are dead; and may the Lord have mercy on your soul!"

I have preserved these sentences as an illustration of some of the remarkable phases of the old Southern West Virginia Bar.

Many unusual things happened to the lawyer on the circuit, some funny, and some sad. I remember that I had been closing up some matters at the Wyoming Court just after I had been elected governor, but before I had been inaugurated, and I was

horseback on my return to Charleston. I stopped late in the evening to stay all night with an old fellow by the name of Chapman, peace to his ashes! He had the usual equipment of that class of places, the house, "entertainment for man and beast," a country store, and a big stable. After supper I went upstairs to my room, and in a little while the proprietor came up. From some of the travelers he had gotten some mountain dew and anyone could see that the Lares and Penates of the household were not at all kindly on that day. After he came into my room and sat down on the chair, he said to me, "You know I am a poor man. I have had a hard time getting what I have got. I have had a hard time today. My wife and my daughter have not been kind to me today. I have had a hard time today." Then he stopped. He went over this two or three times, and always seemed to be coming to a point at which he would balk. He sat there for an hour and repeated the same story, varying it but little. "I have had a hard time, I have had to work awfully hard. Never had much. I am a poor man. I have not been treated very well here today." Again he stopped, and this went on and on, until I think that this story was repeated a dozen times. At the end of the hour, I said, "Mr. Chapman, what is your trouble?" He said, "Well, I have got a lot of trouble. You know I have been a poor man all my life, I have had to work awfully hard. Never had much. My wife has not treated me very well today," and again he stopped. I was sitting on the side of the bed after having had a hard day myself began to be anxious to close the conversation, so I said, "Well, what is your trouble? Can I do anything for you?" He looked

up a little and then said, "Yes, you can, but I know it would make you mad. They say you have a bad temper anyhow, and I am a poor man and have had a hard time in life. My wife has not treated me very well today. I do not want to ask you to do anything because I am afraid you will get mad at me. I never had much to do with those big fellows and I don't know how they do." I said, "What do you want me to do? Can I do anything for you?" He replied, "Yes." "What is it?" I repeated. He answered, "You know I have had a hard time in life and I have had to work awfully hard and had to live here in this country by myself and never had anything except what I got from hard labor and have not been treated very well at home, and I have just always had a desire to have a big man do something for me, but then I know if I ask you you will get mad." "Well," I said, "I will promise you not to get mad if you will tell me what you want me to do." He said, "It is this. I have just always wanted a governor to pull off my boots so I can have something done for me that no other poor man has ever had done." I said, "Well, do you want me to pull off your boots?" He said, "Yes, being as I am a poor man and have had to work hard and live out here in this wild country and my wife has not treated me very well today, I would just be awfully proud if you will do it. But I am afraid you won't do it and it will make you mad if I ask you, but I have had such a hard time," and off he started again on his old tack. I said, "Hold on, if that will do you any good, I will pull them off right now and here." So I got up from the bed, pulled off his boots and handed them to him. He gave a grunt of satisfaction, took them in his hand

and went down stairs, and in about five minutes I heard him roll into bed with a sigh of contentment remarking "that he had had a hard time in his life; he had had to work awfully hard for everything he had got and he was a poor man; his wife had not treated him very well, but anyhow, he had had a governor pull his boots off."

With all the weariness of travel over the rough, country roads, splashing through the creeks, climbing the hills, there was a sense of exhilaration which only touches those who are in the sunlight of the mountains. The rest by the roadside at night, or in the country farmhouse, was a joy never to be forgotten.

In my memories of other days I see the circuit riders lighting from their horses and hitching them to the posts in front of the house. There was a long, frame building with a sloping clapboard roof, the porch running along the whole front of the house. On it were usually the inevitable split-bottom chairs, a man or woman looking out of the door, another man leaning against the post smoking, the harness hanging from a peg and the saddles from other pegs on the wall, with the bridles hung to the horn of the saddles. Off at one side of the house a bag of homemade cheese in the making, hung on a nail, and under the eaves of the clapboard roof were to be seen a hammer and hatchet. Against the wall stood a crosscut saw with long handles, and sometimes the seed corn, with the shucks pulled back and occasionally a red ear in the bunch hung on the porch to dry.

After the horses were placed in the stables, we visited the interior of a well appointed mountain house. There was usually a large hearth with an

enormous stone chimney. The large stone forming the hearth was generally broken by the heat from the fire. There was also the familiar crane with its two or three pots whose fragrant odors pervaded the whole house; a blazing fire; whole logs in the fireplace; a Dutch oven with bread cooking on the coals and another one with cornbread baking, and last but not least, the housewife herself busily placing the coals on top and under the ovens. There was a smell oftentimes of delicious salt-rising bread from a huge Dutch oven, and always a pot of salt-rising in the corner of the fireplace. A sweet fragrance of bacon and frying ham filled the air, while the hot corncakes cooked on the long-handled griddle and the cornbread was taken out of the oven with a knife under it to separate it from the bottom. In the corner of the fireplace stood a long shovel and a long-handled pair of tongs with a big bar of iron with which to put back the logs, and with a round broom made from the broom cane grown on the place. The frying pan, fragrant with the homemade sausage or the hot corn cakes, made the mouth of the tired man hungry as he looked on it. It was a scene of busy, happy work for the housewife and her daughters, and of waiting contentment for the men.

On one side of the room was a bed and back of the room was another, covered with old-fashioned pieced quilts, while the walls were filled with hand work and patterns worked by the girls of the house. In the corner was a closet, in front of which hung a calico curtain, where the Sunday clothes of the family were kept, from the deer horn above the door hung the long mountain rifle and the pouch.

In the rooms were garlands of red peppers and

festoons of apples drying for the winter season. The busy housewife spread a plenteous meal, with a warm welcome, on a table spread with homemade linen, or sometimes with oilcloth. While the men, whose appetites were exhilarated by an all-day horseback ride in the mountains, oftentimes sharpened them with a nip of golden applejack or amber-colored peach brandy distilled from the fruit grown in the sun-dappled and shadow-flecked valleys, the liquor cooled with water from the bubbling crystal spring, which, as you drank, reminded you of the fragrance of the clover field, the apple and peach blossom, in one delicious commingling of odors more delectable than the aroma from the flowers of Hymettus.

After supper the men gathered on the porch and the pipe was brought into play, for everyone in those days smoked. With your comfortable split-bottom hickory chairs leaned up against the wall, and the head of the house and the attendants on the farming place gathered around, you heard all the gossip from the district. The mountain man was a shrewd man. His mind did not have the wide range of the city man, but on the subjects that he had thought about, he had thought deeply and he was a good reasoner. There was a by-play of conversation between him and the lawyers and the nearby neighbors which took in the whole scope of the country. At that time the land titles were being settled and many of the men with whom we stayed had their troubles with loosely-drawn land lines, or carelessly drawn deeds. A farm on which was an orchard and outbuildings and a meadow, inhabited by one family for fifty years, by a line drawn loosely in the past, was sometimes

divided, and naturally, the owner combatted this with all his soul. The land owner was different from the squatter, who settled down without title or interest, or shadow of title, and took the land, but mostly the men who were defendants in the great land suits were bona fide owners, who had bought their titles and were turned out of possession by the change of a line or by a corrected corner.

I was very much tickled one night when we were sitting in the darkness, which was illumined only by the pipes and the cigars of the company, by hearing an old fellow talk about his land. He said, "Men, if that law suit that they've got agin me goes right, everything will be all right, but if it goes wrong, there will be some singing on the high pi'nts," alluding to the custom of funerals being held upon the high points of the mountains.

The mountaineers of Southern West Virginia were mostly Scotchmen, or Scotch-Irishmen, and they inherited a great many of the Scotch traits. They came to Virginia from the north of Ireland, but they came from the highlands of Scotland originally and so they were essentially Scotch. They remained one generation in Virginia and then many of them drifted to the mountains. Their ancestors in Scotland were feudist and clansmen. The clans of the highlands of Scotland were the purest feudists that have ever been known to history, and some of the people in Southern West Virginia inherited their traits.

I want to correct the impression which has prevailed in many quarters about the people of West Virginia mountains. It has been broadcast by the newspapers that the mountaineer of Southern West Virginia was a feudist and outlaw and delighted in

murder and ambushes and stratagems; that his time was taken up by feuds, or settlements by force, or local controversy. Nothing is more outrageously wrong. The mountaineer was a farmer. He had a little farm, a primitive house and a little orchard, and he worked hard. You must remember that he was isolated. Two or three miles away would be his nearest neighbor, in some secluded glen or on the side of some mountain. He had no schools and in some instances there were only a few churches in the county. I remember when I came to West Virginia there was a county in which there was but one church. But the mountaineer was essentially religious. He was hospitable and kind. Yet, withal, he was intensely suspicious and morbidly sensitive, and quick to resent a "slur." He delighted in hospitality, frequently the hospitality consisting only of a few boiled potatoes and some cornbread and sassafras tea, but it was given with a full hand and an open heart. One day at dinner, there were baked potatoes, cornbread and sassafras tea,—nothing else. The host pushed the potatoes over with the remark, "Take one, take two of them," and then noticing how small they were, in an excess of hospitality, he said, "Take damn near all of them." That was the real spirit of the mountains. Local matters of the creek or the neighborhood touched him to a greater extent than anything else in the world. The world was far away.

It is hard for you now to understand the mountaineer. The situation today is so different from that in which he spent his lifetime. To illustrate: in McDowell County—with its present production of millions and millions of tons of

coal, with its teeming population—it took two weeks, forty-five years ago, after the election, to obtain the election returns; and there were only five or six hundred votes in the county. The people were, as I have said, isolated.

The feuds sometimes arose in this way. A family and its connections obtained control of the offices of the country and its adherents occupied all of the places of trust. It controlled the justices of the peace and the sheriff. This could occur in the mountains and an isolated county and it did occur. There would be a law suit, or a personal altercation, for the mountaineers were high-spirited and quick to resent an injury or insult, and when they came to the courts, which were primitive, they found that the Justices of the Peace, and in many instances the County and Circuit judges, belonged to the same family which was in the dispute, so that justice was not distributed with impartiality. Thus it came about that justice was largely denied; a grand jury would be controlled for certain interests and a man would or would not be indicted, by influences that were strong in the county. Then, justice was taken in hand by the individual himself because it was quicker and easier to obtain. A personal altercation ensued, and then shooting—which was replied to—which one family and another joined until many people became involved. Thus all in the neighborhood took sides. So out of a neighborhood brawl or a question about a land title, or a land line, or an assault, or some other reason, arose a feud which was held all over the world as typical of the West Virginians; and illustrative of their character.

Sometimes this feud was aggravated by liquor,

sometimes by women, or by a drunken brawl, and thus it would go to the ends of the settlement, and in the terse language of a mountain man to me, "Hell was to pay generally."

Now, sometimes politics aggravated this. The mountain people were patriarchal in nature, and when one or two families got supreme control, then absolutely settled the destiny of the neighborhood, of course they acted accordingly, and that was resented, and thus followed a discord which was never-ending, because no new life or new blood was brought in to dispel it. A railroad destroys a feud, a manufactory absolutely wipes out neighborhood animosity, and public improvements bring in new conditions.

To illustrate what I mean by personal control,—I was a candidate for election, and in Logan County Anse Hatfield, otherwise known as "Devil Anse," was, in his district, the controlling influence. Now Anse wanted to instruct the district convention for me, and the people were not exuberant about it. Anse proposed instructions for me two or three times, but a majority of the convention was not for me. Anse made them a little speech which was typical of his ruling and patriarchal character. His speech was very short and very much to the point, as I remember it. He said, "My fellow citizens, I have proposed instructions for MacCorkle, and you have not passed them, and you have broken up the convention two or three times, and I will say that if you don't pass them this next time, Brother Toler and I will go over to my house and get our Winchesters and we will see justice is done." Immediately a very fine lot of instructions was passed for me. Anse

was asked why he was so much interested in me, MacCorkle. He replied, "He is just the same kind of man I am."

As I say above, as soon as a railroad or a saw mill or any of the civilizing influences of the day came in, the feuds were largely over. The people had something to do. The city people have an idea that the mountain people of the Blue Ridge and the Alleghanies are in the same relative class as the slum people in the city. That is totally wrong. The people of the mountains of West Virginia and Virginia are pure Scotch or pure Anglo-Saxon, a religious people, a people which, when surrounded by the right kind of environment, breeds great men. They are essentially a clean-blooded people, which produces great men one generation away from its limited environment. These people, with ordinary surroundings and civilizing influences take their position in society and become rulers and leaders in their community.

To illustrate, one day I wanted to see a man by the name of Byrd, who lived on the other side of the river. There was no access to his place except by puncheon or canoe (a puncheon is long, hewed timber used for barge building). I said to him, "Byrd, you are a sensible man, and you've got no business living in this isolated way and raising a family. There is no access to your place except by a canoe or a puncheon, and it is wrong to raise a family in any such manner." "Well," he said, "that's true, and as soon as you get this railroad in here, I am going to change. But let me show you a boy." We walked along and presently came to a boy with a book. He was as handsome a youth as I ever

looked upon. We talked to him and then went away. Byrd said, "I am going to send him to a school." He did send him "to a school" and the boy became tired of waiting for the railroad, went to the Northwest, became superintendent of the county schools and then superintendent of the schools for the State, and was just preparing to run for Governor, when he died.

The man who picked these people for fools was badly mistaken. They were shrewd, smart traders, and had the advantage of the people from the outside because with them time was not the essence of the contract. All they needed was new environment, and even with the environment which they had, they bred some of the strongest men in the south. It was just the good stock pressing out, and when they went down to the railroad or into the level land and became acclimated, they were always leaders because they were pure-blooded and fundamentally strong.

With all the newspaper talk about these people, there are more murders in New York City, or in any of the large cities, in a week than occurred in five years in the whole of the mountains of West Virginia. The murders that occurred in West Virginia were not murders for money,—they were murders excited by some altercation. In the mountains, there was seldom a murder committed for robbery, and a person was safer with money there than he would have been in the very heart of civilization itself.

There was never a more loyal, hospitable people than these mountain people. Always high-spirited, they found in the Winchester a quick way of getting even, and sometimes they adopted that method.

But they were never a bloodthirsty or a quarrelsome people, and their feuds were not for pelf.

These were the men with whom we had to practice law and with whom we had to live, and it is necessary to understand the people in order that you may appreciate these times and the conditions surrounding the lives of the riders of the circuit.

Oftentimes in our conversations after supper, the politics of the country were discussed. A church had been built or started (the mountain men liked to discuss religion), the son of such a man had married, or so-and-so had killed a bear on the mountain,—all this was discussed by the lawyers and the residents. Each was interested in the other. It all took place in the darkness of the night on the porch in the summer-time, or in the winter-time around the roaring fire of the big room, with the wife preparing her beds in which the men were to sleep, or arranging for breakfast in the morning, or cleaning up after the evening meal. In the semi-darkness of the room, a man going to bed while others were present, excited no comment.

Oftentimes I think with joy of the conversations and good fellowship on the long porch in front of the house, of the wonderful evenings of springtime with the night scents in the air, the cloying fragrance of the Virginia magnolia, or the faint sweetness of the crab apple in bloom. Often the murmur of the creek comes faintly again to my ear, or the subdued monotone of the river, for always an important home was built by creek or river side. The only sounds heard above the distant voice of the river, now rising and falling with the unfelt breeze, were the distant bark of a dog, the hoot of an owl or the cry of

a whippoorwill, the low of a cow somewhere in the valley, or perhaps the soft swish of the errant winds on the mountainside, like ghosts among the trees. Then there was the quiet talk of the people. There were no loud noises, no clang of locomotive, no screech of automobile, nor whirl of telephone, no bright lights, no garish electricity—only the semi-light from the lamp and from the dying embers of the fire on the hearth and the gentle glow of the pipes. You lay down to rest with the doors open, oftentimes with the stars blinking through the clapboards, with nothing to make you afraid, to sleep the sleep of the blessed.

In the morning, after the night's rest, came the breakfast by candle light, with its hot biscuit. The mountain housewife always prided herself upon her hot bread. And there was steaming coffee which would swim an iron wedge, and fresh pork and sausage or mash-fed ham. Then to our horses, with the sun glorifying the high points, gilding the tops of the mountains with the joy of the day, painting and tinting the mists rising like hurrying spirits from the river with all the kaleidoscopic and iridescent colors of dreams dreamed only in youth, thence falling from the lordly mountain to its lesser brothers below, darting his beams through oak and beech and hemlock and poplar on the ridge, and ere long filling the valley with the beauty and perfume and gentleness of a spring day in the mountains.

The circuit rider had the reputation of drinking very much whiskey and playing cards, oftentimes for money. This reputation, under the circumstances, was undeserved, and was brought about by the long delays and the inability of the circuit rider to occupy

the whole time of the court. You will understand that the principal business of the Circuit Court was the jury trials and whilst the trial was before the jury, the rest of the Bar was waiting. Waiting for a case before the court was tedious waiting and demanded recreation of some kind. At night the hours were long between the old-fashioned suppertime and bedtime, and a game of poker was the natural thing. It was the fashion in that day to drink. It was not alone confined to the circuit rider. It was prevalent everywhere among the Bar. Public gambling was also fashionable. This was not confined to the circuit, but pervaded the cities as well. I have, in my day, seen nearly the whole state, county and city government lined up in one saloon taking a drink. That was in Kanawha County and was not on the circuit. This would not be tolerated in this day, but times have changed.

During my time the general upward trend has been immense. At that time gambling in Charleston was almost openly permitted. I have heard numbers from three wheels at one time called by the attendants of gambling establishments in Charleston. This was in an otherwise orderly and well-governed town. Many people of undoubted respectability attended the rooms. I remember that two judges of high courts were habitual frequenters of an institution of that kind during this era. That would not be tolerated now for one moment. Public gambling is not fashionable or respectable in this day. In that day it was both, and so was betting, and many members of the Bar, brilliant and able, paid the penalty. I am not saying that the measure of morals then was not as high as it is now in the Bar.

It was, with the exception of the public drinking and gambling, which were not held by public opinion in disfavor as they are today. The men of the Bar, especially on the circuit, with its manifold temptations, were of as high order of morals as the present members of our Bar. There has been a vast reform in these customs, and the reform in all of this, as in almost everything else, has been led by the Bar. They were the leaders in public opinion and in morals, as they were the leaders in public affairs and economic development.

After playing a part in the growth of the great circuit south of the Kanawha River, I would say that the most important and dramatic figure in its development was the lawyer of the circuit. He was the evangel of progress. He was the pioneer of his time. He was the one who brought to the seclusion of the court house the knowledge of what the world was doing. He was the exemplar at home of speech and dress. He was the moving spirit of the little court house town. He knew the lines of the lands, and, above all, he knew the people. He was familiar with the hidden splendors of the forest. He knew the path to the blossom of the coal veins and his feet had walked over their treasures. The shadow of the mighty forests had sheltered him from the summer's heat and his cheek had been tanned by the sweet breezes and the golden sunlight of the marvelous climate of the mountains. In his ridings from court to court, he was familiar with all the passes. He knew the grades of the roads and the fall of the streams. He was the one fitted to say where the railroad could break the eternal shackles of the mountains and to tell of the riches it would find in the

valleys. He told the world of the wealth in our lands, and when it doubted, he asked it to come and see. He was the forerunner of the power which has made the sound of progress the sweet music of our valleys and has lighted our hills with the glow of an abounding life and filled the quiet places of the land with the joy of civilization. He was a member of the Legislature and whetted the appetite of the world with the desire to penetrate these quiet places and see the wealth of which he discoursed. He was the dreamer of the days to come, and as he breasted the swollen stream and pulled his overcoat over his saddlebags and books to protect them from the winter's snow, he beheld in the deep solitude the busy village at its work, and with the sigh of the wind on its solitary way, there came to him the sound of the children's voices on the road to the crowded schoolhouse. Through the mist of the mountain stream he saw the smoke from the reddened oven and the glowing furnace. He was the prophet of his time, and when he beckoned, the people came. He was the Argonaut of Southern West Virginia. If today, with cunning hand, I was able to exemplify the genius of this section, filled with its glories of progress, I would carve in enduring marble the lawyer circuit rider, climbing our mighty mountains, threading our deep valleys, caring not for the winter's snow nor the summer's rain, but carrying with him to the world the sure knowledge of the riches of this fair land, and in his sturdy heart, the hope and faith that through the mirage of his dreams he could clearly see the tall spires and mighty walls of an enduring and splendid civilization.

CHAPTER XIII

COURT WORK. PRACTICE THEN AND NOW

ANYONE who has read even casually this brief discussion of the lawyers of those times will see that it principally concerns the lawyers who practically devoted themselves to trials at the Bar. The culmination of a lawyer's life in the days we have been discussing was in the court house, at the bar and in the trial of causes. It is true there were many lawyers whose business was advisory, and the relations between them and their clients were very close. Next to the physician the lawyer occupied a position of intimacy with the inner life of the people. The executive lawyer of today was relatively unknown at that time. In those days people, generally speaking, did not go to the lawyers for executive work. When they were consulted, it was largely for trial. Thus, the skill of a lawyer's life was largely shown in and about the trial of a cause. Today the most important lawyers are those who do not try cases and the most important things done about the bar are those that occur in the privacy of the lawyer's office. Great firms are built upon business and to the great majority of lawyers the assembling of court is an unwelcome interference with their business. The times have changed largely in this direction. The corporation has done away with the old system. Today the lawyer is a builder, not so much an

advocate as in those days. The great corporations of the day which are practically carrying on the business of this country are in many cases headed and oftentimes constructed by a lawyer whose duties are largely executive. This comprises the lawyer's most lucrative work, and has largely done away with the very sweet and pleasant personal relation of the lawyer to his client. It was different with the lawyers of the period we are considering. The assembling of court was the chief event in a lawyer's life. The labor incident to the assembling of court was prodigious. Documents were all prepared in longhand. Decrees and orders were written, arrangements were made for the trial of cases, witnesses were examined preparatory to trial, depositions were taken, motions were considered and everything made ready for court.

The court machinery is today entirely different. In those days an hour of court was devoted to motions. There was no necessity for any notice being sent to the lawyer of the opposition. It was a rule of the court that the motion hour was from nine until ten o'clock, and every lawyer who had any business was required to be at the bar at that time. As a matter of fact, every lawyer, whether he had a motion or not, was there. This resulted every day in a social commingling of the whole bar. While professional courtesy would not excuse your taking up a motion in a lawyer's absence, still it was allowable, and the presumption was, that if he was not there, he did not care to be present.

The lawyers of the bar today scarcely know each other. The lawyers of that day met every day during court for from an hour to two hours, and thus

there grew a kindly commingling which added more to the elements of social life than any organization with which I am acquainted. It was a guild, a club existence, the social side of which greatly enhanced the pleasure of the lawyer's life. In those days every lawyer knew about the case of his brother lawyer, and if a new case came to the bar, it was known who brought it and why it was brought, and it was discussed as part of the life of the bar. All of the surmises were gone into—who would win, whether so and so received a good fee, and all the probabilities and possibilities of the case were weighed.

The question of fees showed a marked difference between that day and this. In those days, I remember, a firm of Charleston had the largest commercial practice and more money came in to it than to any other firm in the city. It was popularly supposed to make six or eight thousand dollars a year, which was regarded as enormous. Other lawyers at the bar had fairly good fees, and some of them not only fees but part of the lands in litigation, but the fees were infinitesimal compared to those of today. I remember particularly when Judge Jackson was making his valedictory after the West Virginia Federal District had been changed into the Northern and Southern districts. He was discussing the fees before the Civil War and spoke of getting a ten dollar fee, one-half of which was cash and the rest in a note. Senator George E. Price, who followed Judge Jackson, called the attention of the bar to the Judge's statement as to fees. I remember his voice was filled with surprise and had also in it a touch of sorrow when he exclaimed, "Brethren, brethren, think of it! A ten dollar fee and half of it in a note."

The lawyer of the day I am discussing would average from twelve hundred to two thousand five hundred dollars per year. The enormous fees of today were unheard of. I once knew of a very important murder case being defended by a distinguished lawyer for a fee of two hundred and fifty dollars. I remember also that I passed upon the original King titles after a trip which consumed three days on the journey and a week's work in the Clerk's office. This involved the title to almost the whole of Southern West Virginia, and for it I received the munificent sum of one hundred and twenty-five dollars. I remember being associated with another lawyer who was of the olden bar where we brought a suit and filed a *lis pendens* for a large sum against fifty thousand acres of land where we had to go over all the metes and bounds of a hundred tracts and we thought twenty dollars a day for each of us, out of which we paid our own expenses, was a fair fee.

The average lawyer in the country, if he received fifteen hundred dollars a year, was satisfied. Of course, the cost of living was low, and the expenses were not as they are today. There were no expensive furnished suites of rooms, no expensive staff of title investigators, and special clerks, but all was done practically by the members of the firm. I believe at that time that there was not a carpet on the floor of the law offices in the city of Charleston, yet withal there was a delightful social side to the bar which with time has been entirely dissipated. No one had any hesitancy about asking a brother lawyer to help him try a case. In a way lawyers formed a little guild among themselves and their lives were not filled with the continuous detail work as is the

case today. Senior members of the firms examined titles, met in the court house and clerk's offices, and all enjoyed the companionship as they daily worked at their profession. The court house work was the most important work, and happy were the days that were spent with brother lawyers while we were waiting the return of a jury or whiling away the time until a case pending had been sent out for a verdict.

This waiting was often done at the Kanawha Bar under the shadows of the splendid elms and sycamores in the yard of the old court house where chairs remained all the summer. Excepting during the heat of the summer vacation, these chairs in front of the old clerk's office under the shadow of the trees were always occupied by the lawyers discussing the incidents of the day. It was a sweet, kindly, neighborly life, the like of which will not be again seen. It was a life in which the social element was a great feature which we of the olden days look back upon with regret for its loss. Today the lawyer is occupied with his daily grind, the telephone precludes the need of the pleasant visits with the brother lawyer, whereat we discussed the points and any other questions which arose in the legal affairs of the day. Those were times filled with a vast deal of the pleasant things of life, little kindnesses which come from daily intercourse, which are born from the struggles at the bar before Court and jury and audience. Today the audience has little to do with the life of the lawyer and in the seclusion of his office the important transactions of his life take place.

I remember an incident which happened to me in the practice which would be utterly untoward in the present time. I was interested in building the Elk

River Railroad, now the Coal & Coke branch of the Baltimore & Ohio Railroad, and we were having trouble about some sections of the right of way. I was general counsel and I went up to find the cause of the trouble. Hon. E. B. Dyer and I had purchased the whole right of way except a few pieces. Today that would have been done by a right-of-way man and the lawyer would have known nothing about it. I landed at the home of a fine substantial farmer on Elk River, whom I knew, and found he wanted seven or eight hundred dollars for a right of way which I thought was worth about two hundred dollars. This would create a precedent and would have caused the right of way to be very expensive, and I had not been able to settle with him. I remained as long as possible and tried every manner of approach to him to obtain a concession on the price, but was unable to accomplish anything. I tried in vain to find his weakness. I went on to the court house and settled several other cases and the next day got back again as I had told him I would do. I found him at home waiting on me, but he was adamant. I looked all over the house; I looked at his books; I endeavored to find out where the walls of approach to him were thin, but I practically gave up in despair. As I wandered around the house late in the afternoon, I noticed a corner in which were three beautiful, well kept mountain rifles. "Ah," I said to him, "these are very handsome guns." I saw his eye light up and in a moment appreciated where dwelt his weakness. He replied, "There are none better in this country. This one was made by Baily (a celebrated maker in Clay County); this one by a man by the name of Cruikshanks; I have forgotten by whom the other

was made." He handled them lovingly. I said to him, "Can you shoot these guns?" He replied, "I think I can as well as anyone in the country." He then told me of his victories with the rifles. I was a keen shot with a mountain rifle and I said to him, "I will shoot you the best two out of three for the right of way. If I beat you, you are to give me this rifle with its equipment, and the right of way for two hundred dollars. If you beat me, I will give you seven hundred and fifty dollars for the right of way." He agreed quickly. I picked out a long, beautifully balanced rifle. He took a larger and heavier gun. We agreed on a rock about sixty yards away on the side of the hill, the rock being about eight inches in diameter. He fired the first shot. It was for a large sum of money to a mountain farmer, but there was never a tremor with him as he set the trigger and fired, striking the rock on the inside of its edge. It was a good shot. My shot hit the rock a half inch inside of his shot. He saw he was in trouble. He walked into the house, brought out the other gun, balanced it carefully in his hand, loaded it with infinite care and hit the rock within an inch of the center. It was my next shot, and handing the gun to him, I asked him to load it, which he did with as much care as he had loaded his own. My next shot smashed the center of the rock, making the best two out of three, giving me the right of way for two hundred dollars. He stood to his guns like a true man. I paid him the two hundred dollars, he and his wife signed the deed, and without a sigh or flinch he handed me the beautiful rifle with the accoutrements. It is hanging in my house today, as a tribute to the nerve of the West Virginia mountain man and as an

illustration of the peculiar things that happened to a lawyer in the old days of the practice.

Whilst I was buying that right of way on Elk River I had another experience, which, while it was somewhat strenuous for me, was rather humorous to the others present. After a hard day's work we went into a house in the evening and after awhile were invited to supper. We were feeling pretty good, as we had been successful in the right of way matter, and the household had a good supper awaiting us. We were at a long table, loaded with everything. Opposite to me at the table were three men, sitting on a bench, while three of us sat on chairs on my side. I was telling some anecdotes and making myself as pleasant as possible, and imagined by the expression on the face of one of the men opposite me that I had told several extra good ones. He became more and more interested in my conversation, looked straight at me, and gave every evidence of approval. I was encouraged by his demeanor and finally told my prize story. As I finished it he gave a yell and jumped right over the table on me bringing with him the butter and potatoes and meat; and then with another yell he got on top of me. I was lying on the floor under the table, with the milk and coffee and potatoes, and the man was on top of the table, and every now and then would give a fiendish yell. While this was going on I made up my mind never again to tell my prize story. Some people pulled me out, but I was covered with the butter and molasses and coffee. They then informed me that the man to whom I had told the story had epilepsy and my anecdote threw him into a fit. I never knew whether it was the fit or the story

that overturned him and the table on me, but I will say that the story that did all of this was a good one.

As I look back, I appreciate another change which the times have wrought in reference to the lawyer and the courts. I allude to the lessened interest of the people in the courts. In the olden days, court day was a day set aside for its own work. Every one came. The whole community settled its affairs on that day. If you were arranging to purchase a tract of land, to inaugurate or to close any kind of a transaction, in the country you were always met with the statement, "I will see you on court day." From every part of the country, from farm and village, riverside and mountain, the people streamed to court on court day. It was a day of uniform good humor and kindliness. Old friends were met and old acquaintances were renewed. Settlements were made, notes given and paid, and deeds were closed. The political affairs of the country were largely settled then. It was a day peculiar in its relation to the business of the country. On the first day of the court, little court business was transacted. Those seeking office or desiring to discuss political affairs had their hearing before the crowded court house. The grand jury was charged by the judge and some motions were heard, but practically all of the day was taken up in the settlement of general matters and in the greeting of friends. It was a matter of vital importance to come to the court. The question of who composed the petit jury was an important subject of discussion, and the question was many times asked, "Who is the foreman of the grand jury?" Now, no one knows and no one cares who is the head of the jury. Court generally continued for a

week. If an important case was on hand, especially a criminal case, the people would attend the trial. The litigants in civil matters were generally known and the case was considered in all of its merits by the people from the country. The first days of court were essentially the countryman's day. Now, the courts sit continuously.

Naturally, the question arises here as to the relative degree of ability and learning possessed by the lawyer of that day and of this era. The natural inclination of one writing of the past is to make it more important than the present, and to portray those living then as stronger than those of today. The past is seen through the rosy sunlight of the days which are gone, and if you are not careful, you exalt those times beyond their desert. The natural feeling on the part of the reader is that with the writer time has played a great part in his view of times and men. That is true. But still there may be a fair and honest discrimination between the lawyers of the two eras. It is extremely difficult to compare these eras because the lines are so diverse, the field in which the lawyers played being filled with different conditions and characteristics, so that when you are considering the two times, you do not have the same guideposts to lead you along the way. It is difficult to compare the Cathedral of Durham with that of Ely or York, because, whilst each is a marvelous and beautiful cathedral, it is of such a different style of architecture.

The trial lawyer was the lawyer of these days. His success was measured by his ability before court and jury. The successful lawyer was a dialectician, skilled in the cut-and-thrust, in the attack and

defense, a past master of strategy. He knew human nature. He had to know it because he was dealing with that branch of the profession which required the most delicate and accurate touch upon the human make-up. To be a successful trial lawyer in those days required all the finesse of the politician, the diplomacy of the courtier, the courage of the soldier, joined to farsightedness and care in preparation. He was a man built for emergencies. The Comanche blow from the side, the shrill yell accompanying the attack, the blowing the horns and the beating of tom-toms must not reach his legal equipment. Through all, his mental make-up must be clear and well-poised. Amidst the bated breath of the crowded court houses, eye to eye and man to man, he was prepared for intellectual combat with his opponent, the court, or with the reluctant or interested witness. The duel between the trial lawyer and the rascally or interested witness furnished the finest display of intellectual acuteness I have ever seen. In most cases the trial lawyer was proceeding on his judgment, which was generally founded on poorly known facts, practically upon suspicion, whereas the witness had all the advantage of knowing the truth. It was an intellectual contest where, without any intrinsic aid, the lawyer, acting purely upon his legal judgment, was attacking to the death a witness who had an absolute knowledge of the situation. In most cases the lawyer won. In the management of a case before court or jury he was supreme over the present generation of his kind.

I would say, however, that for executive ability and effectiveness, for the building up of the legal sides of a great enterprise or operation, the bar of

today is superior to that of the time I have been discussing. This arises from the conditions of the day. The bar of today has more of the machinery of management than the bar of the past, and that machinery is in many ways more effective and allows the lawyer of today opportunities which were not possessed by his brother in days gone by. The lawyer of the olden time was compelled by reason of there being no writing machinery to devote himself to an infinity of details. Very frequently half of the day would be taken up with the mere drudgery of answering letters and with details and physical work which are obviated by the conveniences of the present time.

In fundamental learning of the law, I would say that the lawyer of that day was superior to the modern lawyer. He had more time to study the law. The case was more often than not a contest of legal principles. Today the law work is more varied in its details, requiring a greater knowledge of the subject matter of the case rather than of the principles of the law. Unquestionably in all of the details of practice and pleading, the lawyer of the old time was incomparably superior. This came about by the use of the common law pleading, which was absolutely exact and bound by rigid rules. A variance in a pleading on a note was almost ruinous. Today it is of no moment except possibly in allowing a continuance. Because of the fatal consequences of a mistake in practice, more time was given to the study of the trial practice than today. As I have said, the trial was largely the consummation of the lawyer's work. The system surrounding the trial demanded requisites in a lawyer that it does not need today.

As an illustration; under our present system during a trial the lawyer is handed the stenographic testimony, word for word, of the day before. At the time of which I write, nothing of this kind could occur. A lawyer would try a case and never see the testimony. As a matter of fact, there was no official testimony. Whatever testimony was taken was when the lawyer hurriedly wrote on his notebook or scrap of paper some important item, but frequently there was not time for even this. I remember trying a case of six days' duration, in which I examined and cross-examined a hundred witnesses and managed the case on the one side, and argued it before the jury, without a note being taken by me during the whole of that time. Very frequently the lawyer in the management examined and cross-examined all the witnesses in a case which had widely varied witnesses, and then without a note, was compelled to rise and argue the case before the jury without any help beyond his memory. As a matter of fact, Judge Ferguson was the only lawyer of that day who pretended to take down the testimony, and he did it for another purpose rather than to assist his memory, for he had a perfectly prodigious memory and could remember almost word for word the testimony of every witness in a ten days' trial.

This condition brought about a tremendous development of the memory. This under the present system is not required, but under the old system was vastly potent in developing a fine intellectual machine. The development of memory on the part of a lawyer was especially appreciated in the preparation of a bill of exceptions. Today a bill of exceptions consists of the official testimony of the wit-

nesses which is made part of the final record. The lawyer has nothing to do with this. He has only to put in his exceptions to the ruling of the court. The bill of exceptions of that day consisted of the facts proven which required enormous exercise of memory to properly place in the bill, and the lawyer's memory was put to severe tests from the necessity of recollecting the testimony of possibly fifty different witnesses, which embodied the facts proven as required by the practice of that day.

One important difference between this day and then, was the length of the speeches and their importance and the care in their preparation. Then, the whole countryside would go to court when they knew an important case was to be tried. The people did not have books and when they came they received inspiration, as well as learning and law and illustration, from very able men. From a literary and speaking standpoint, the lawyers then were more learned and their tastes were more cultivated than those of the modern lawyers.

When the countryside knew that a man was to be tried for murder and some distinguished lawyer was to defend him, it was greatly interested. In those days, the speech in defense of a man charged with a great crime, or a speech in a great case which excited the interest of the people, was always a long speech. Judge Ferguson seldom made a speech in an important case of less than two and one-half hours, and I have heard him speak for four hours. So it was with Mr. Knight, Senator Kenna and Eustace Gibson. Judge George W. Summers, I am informed, always spoke from two to four hours, and this was the case with the majority of the distinguished lawyers who

were trying important cases. These speeches were not perfunctory, time-consuming speeches,—but every minute was filled with discussions of the evidence or law, or quotations from the classical authors. There were wonderful incursions in science and literature, and the law, to which the people listened with absorbing interest. A speech in that day was of the first importance and was prepared with the utmost care. Today if a lawyer speaks for forty minutes, he is considered to have made a long speech. Then, there was an exordium, the statement of the case, the argument, and an eloquent and studied peroration. I do not say that in those days there were not poor speeches. There were many, but I am trying to point out that in that time speeches as speeches were more important than now, and they were infinitely better prepared. There were more men who could make finished speeches in that day than there are today, because it was the principal means of disseminating information and of bringing a man before the public.

In a kindred direction, I am sure the olden lawyer was, generally speaking, superior to the lawyer of today, in the graces of oratory. Speaking at the bar was more of a cultivated art than today. The tradition of the Old Virginia Bar was one of great speaking ability. The lawyer was in almost every case a politician, and of course, all the graces of public speaking were demanded. In this element of success with the jury and the people, the lawyer of the Old Southern West Virginia Bar followed the Virginia traditions, and there were remarkably few men of any standing of that time who could not make an acceptable public address. They studied the books to a

greater extent than they do today. I think that the modern lawyer has more special information than the lawyer of the former time, but in the study of the classics and in developing and improving the expression of English, the lawyer of that time was, in my judgment, very much the superior of our present day brethren.

Great changes have also taken place as to the point of view of the people in relation to the courts. This has also affected the profession. I do not know that I quite understand it. I remember well when a dozen men from the different districts of Kanawha County would practically settle on court day for whom Kanawha would vote in the state, county or congressional convention. That has all been done away with by the condition of modern affairs. On court day you would see little groups of men discussing whether or not such and such a person would be a candidate, or who had better be a candidate, or whether so and so could be elected. Now nothing of the kind occurs. Court day is no more important than any other day. It was a day also given to good fellowship, and I know of no meeting which was as uniformly kindly as the old court house assemblages. Withal, they were very important, because, as I have said above, the whole affairs of the county were discussed and arranged. Today all of that is changed. The automobile, the improved roads, the telephone and the multiplicity of courts have done away with all of this kindly meeting of the whole people. That was the most democratic assemblage in our system of life. It brought about a close acquaintanceship between the men of the country and it resulted in a knowledge of the country

which does not obtain today. A court day now, irrespective of the litigants, means nothing to the people. They no longer settle accounts on that day. The automobile brings them to town in an hour. The man from Union District very seldom sees the man from Big Sandy, and the man from Malden never once in a year meets the citizen of Jefferson District. Unless a trial is of tremendous importance, it is only witnessed by half a dozen listless spectators. It is only a matter of passing importance.

In the olden days the court house and courtyard were crowded with people and every phase of the county was understood and appreciated. In some respects the present is better for the country than the old system. In all of its sweet social life, its kindly acquaintanceship, its assembling of the diverse elements of the county, its making a homogeneous people, the old system was superior. Whilst this change has been brought about largely by the paraphernalia of modern times and may be apparent rather than real, still there has been a great change in the texture of the people. Forty years ago hospitality was prevalent. The social instincts were infinitely better developed than now and the social existence in many ways was sweeter and more comfortable than today. It was a very delightful, kindly existence, but just as some of the old fellows clinging to that day are being jostled out of the path, so the old ideas must give way to the new. As I look back to the kindly hospitality, the pleasant greeting, the cordial handshake of the old court times, they bring back memories very kindly and sweet, the charm of which is gone for ever more, but which sounds in my heart with a melody marvelously pleasant.

With the old court days have gone many things pleasant to the memory, but we hope with the oncoming years that civilization will have a broader and grander sweep for the good of our country. While this is my hope and faith, and these present days may be best, still, with the shadows growing broad and deep about me, I look back to those times, touched with the golden tint of the departing rays of the dying past, with a sigh for their sweetness, and with a deep yearning, which I can not repress, for the times, the system, and the men forever gone.

CHAPTER XIV

JUDGE GEORGE W. SUMMERS. PHILIP DODDRIDGE.
ALEXANDER CAMPBELL

WHEN I came to the bar it was pervaded with the memory of Judge George W. Summers. I never saw Judge Summers, as he died about fifteen years before I arrived in Kanawha. He should not properly be included in these reminiscences, but being one of the most distinguished sons of West Virginia, perhaps the most eloquent, and certainly the greatest lawyer in the history of its southern portion, it would not be proper to close these writings without a mention of the great part played by him in the professional and political life of Western Virginia.

Judge Summers is an illustration of the fact that the fame of the lawyer wanes more quickly than that of any other profession equally active and important in the affairs of the country. I have oftentimes wondered at the quickly forgotten life of the lawyer. Certainly that which interests man more than anything else is human life. The great lawyer standing between a human being and death should be the most distinguished and lasting figure in human affairs. Next in importance is the preservation of human rights and in all of the contests for the preservation of the rights of the Anglo Saxon, the lawyer has been the great central figure. If this great reputation is

not achieved in a battle for human life at a trial or the saving of the personal rights of the citizen, it is achieved in the contest for the preservation of property. Therefore you would think that the lawyer, being so deeply concerned in all of the questions of human affairs, would leave an enduring reputation. Strange to say, this is not true, for the most evanescent of all reputations is that of the lawyer who has achieved greatness and celebrity in trials for human life or for the preservation of human rights. With very few exceptions, this is a fair statement.

These reflections are brought about by my almost vain effort to find anything authentic regarding the professional life of Judge Summers.¹ He was a statesman and something of that side of his life is preserved, but these reminiscences are concerned more particularly with his professional activities. I regret

¹ NOTE: Judge Summers during his lifetime had printed a number of his speeches. His son, Mr. Lewis Summers of Charleston, very courteously placed at my disposal one of Judge Summers' speeches and an old newspaper. The copy of his speech on the Basis of Representation was given to me by my father-in-law, Mr. William F. Goshorn, for whom Judge Summers was counsel. I ascertained that a gentleman of Charleston, a connection of the family of Judge Summers, had come into the possession of some papers which I hoped might include some of the latter's speeches, and I requested him several times to make a search to that end. After a time he found four of Judge Summers' speeches, which he let me have, but for some unaccountable reason came and took them from me before I was able to utilize them. This caused me to make vigorous efforts elsewhere to find others. In the Virginia Historical Society I found two speeches printed in the "Richmond Whig," I believe, and also a printed copy of the Judge's Suffrage Speech. In the Congressional Library at Washington I found two other copies of Judge Summers' speeches made in the various conventions, and one in Niles's Register. From these sources I have made the extracts herein set out. All the speeches of Judge Summers should be collected and printed, and it is my intention at some future day, if I have the means and opportunity, unless it is done by someone else, to have this done as a contribution to the history of Virginia. Unfortunately this class of literature has no pecuniary reward. For this book I shall not receive sufficient to compensate me for the actual expense of printing.

that I have found so little concerning this phase of his career. This is astounding when you consider that only a generation and a half has gone since Judge Summers was in full practice. When I came to the bar, many men were living who had heard him in his great efforts before the jury and the people, and they rehearsed with infinite pleasure the incidents connected with his distinguished career. These stories and incidents have died with those who knew them and I have been amazed at how little I could find concerning the most distinguished orator and lawyer that West Virginia has produced. This is further astonishing from the fact that in Western Virginia he was the real head of the bar, for, in all great cases touching person or property which were tried in this section during his life, Judge Summers was counsel.

Nature seemed to have spent her hand in giving to Judge Summers all the requisites of a great advocate and lawyer. He had a most commanding presence and his voice was deep and melodious. His very walk carried with it distinction and dignity. He was a man of middle height, portly and distinguished looking, with wonderful eyes, strong wide mouth, a mobile and expressive face, large head and dark hair worn long. When he was young, his face was smooth shaven and classic in its outline, but in his older days he wore a beard. It is said that when he was pleading for a man's life before a jury or on the hustings in the political arena, the expression on his face was as changeful as the clouds on a summer sky, as the different emotions chased themselves over his countenance. Judge Brown, who knew him well and was connected with him, told me that his principal ges-

ture was a most effective one. Strange to say, it was made by the movement to the one side or the other of his stomach, which he clasped with both his hands. His mind, while it was coolly intellectual and walked surely to the point of the case, quickly grasped all of the emotional aspects of any situation. All of the principles of the law were at his fingers' end. He was an omnivorous reader of poetry, history and the classics, and all were used in his presentation of a case to the jury or the people. Many of the essentials of a great orator are so frequently given to a man, yet deep common sense, orderly arrangement and management, accuracy of detail, desire of labor, and knowledge of men are denied him. Such was not the case with Judge Summers. While men's thoughts were directed to his great eloquence, his cases were thoroughly systematized, his management was orderly and profound, and his knowledge of men deep and acute. I have heard it said that he could walk along the dangerous precipices of a cross-examination with less margin on which to stand than any other lawyer of his time and that he was able to extract from a witness all that he needed for his side and leave the things that were dangerous to him absolutely unsaid.

Captain John Slack, a man of wide experience and intelligence, for many years sheriff of Kanawha County, knew Judge Summers very well and had heard him in many of his great efforts. He once told me that for some strange reason when Judge Summers rose before the jury or an audience there would be a deadly silence while everyone waited with unwavering eyes for his first word. He had a voice that was melodious as an organ and every touch of

human feeling was voiced with mellifluous power. Nothing was theatrical or overdrawn but every flight of eloquence seemed to well from his heart. Captain Slack told me about Judge Summers once defending a woman who was indicted for killing her child. The circumstances of the killing touched the very depths of human sorrow. This case gave Judge Summers a vast field for his wonderful ability. Captain Slack said that you could hear the weeping of the babe and see the tears of the woman as from his lips her sorrow moaned and swept throughout the vast audience, and men and women were so absolutely enthralled by his words and actions that they forgot to wipe the tears from their eyes as he played on every chord of sorrow that could reach the human soul. He touched every element of feeling as though he were a musician playing an instrument whose only notes were chorded with deep and abiding distress. After his last words had vibrated through the heart of every listening being, he stood there for a full minute silent, motionless, absorbed, before an audience equally silent, equally absorbed, and it seemed that one could still hear the rhythm and sweep and pathos of his wonderful deep voice as its message plunged into the soul of the court and jury and of every man and woman within hearing. Captain Slack said that after that speech, if the woman had been plainly guilty, the jury would not have convicted her. Every one who talked to me concerning Judge Summers reiterated the fact that he was practically invincible before a jury.

Governor Atkinson says, "I have, myself, seen the Judge, jury and every one in the court-house weeping, while Judge Summers was making a pathetic appeal

in defense of a man charged with murder. He always depended upon his oratorical powers to force his way out of a bad case, and he generally succeeded. He was an irresistible power in nearly all of his cases, hence his success in the legal profession, and in fact, in everything he undertook."

I had an interesting bit of experience two or three years ago concerning Judge Summers. A kinsman of mine practicing law in New York was called upon by a distinguished man, very aged, who asked him from what part of Virginia he came. When informed that he was from the Valley of Virginia, his visitor said that before the Civil War, when he was a youth he had, with his father, visited the western part of Virginia. Once he had wandered into the court house and heard there a speech made by a lawyer by the name of Summers. He said that he had heard many of the great speeches by the greatest orators in America and Europe, but that in all of the fifty years he had been in active business his opinion was that the beauty and eloquence of the speech of Judge Summers was superior to anything he had ever heard. He wondered whether or not the beauty of the speech was heightened by the glamour of time and the phantasmagoria of youth or whether it was really a great speech, and he wanted to know who Judge Summers was and whether or not he was a great orator. My kinsman told him what he could about Judge Summers, and was requested to write and find out all the additional facts he could. He wrote me to obtain all the information possible, which was then transmitted to his old friend, who was delighted to have his memory of Judge Summers' eloquence confirmed by someone who knew of his



SUNRISE—SOUTHERN FRONT

life. For fifty years the beauty and power of the speech, like a sweet perfume, had remained with him.

He was in all of the great causes that were tried in those days and was everywhere summoned when a great issue was at stake or a deeply important case was to be tried. He was a master of the human passions and could touch all of the sensibilities of the heart and with a master's hand played on all of the higher and deeper emotions of human life. He was particularly able in statement before a court or jury. He did not depend alone on his great eloquence to get over the hard places in a case which he was trying. He first laid out the case as a commander would lay out his field of battle so that the jury had before it an orderly presentation of the facts. From what I can gather, no one of this bar has ever been able to state the facts of the case as he did. When the facts were presented, then followed the law governing the case; and after the facts and the law had been implanted in the thoughts of the jurymen, then came the deluge. Every flight of fancy, every conception of imagery, every illustration of historical fact, every golden sunbeam of poetry, and every experience from life were poured upon the case with a wealth of power until the jury and audience were enthralled and followed him like children to the conclusion at which, through all of this wonder and beauty of thought, he relentlessly aimed. The old story is told of him, that after he had defended a man for crime and his client was acquitted, he called him to the solitude of his office and asked, "Did you commit the crime?" and the reply was, "Judge, I thought I committed it until I heard your speech."

Judge Summers was not alone distinguished abroad,

and the saying as to a prophet being without honor at home was not applicable to him. Mr. James F. Brown gave me an illustration not long since of the high estimation in which Judge Summers' powers were held by the people of Western Virginia. Many years ago he was on the head of Porter's Creek in Clay County and was staying at the house of a very intelligent man living in that then far away district. At night they were discussing Judge Summers, and his host, who was then an old man, said that when it was known that Judge Summers would "plead" a case, the people fifty miles away from the court house would take their horses from the wagon and the plow and wend their way to hear the speech of this great orator, to stay for two or three days until the case was called and tried. They would sit in absolute subjection under the spell of his eloquence.

Dr. John T. Cotton, a most cultivated gentleman, once told me of the consummate art of Judge Summers in his approach to a great argument. He said it had all the semblance of ease and spontaneity, yet those who knew about these things could see the touch of a master's hand. He most interestingly gave me his experience once in watching Judge Summers bringing on an important argument. He said it reminded him of a great general laying out his forces for an engagement. The light videttes were sent out to spy out the lay of the land. By and by, when they were satisfied by the reconnoissance, you heard the crack of the sharpshooters' guns, which had come to the front. When the engagement was going well, a few advance guards came along as a support, and ere long there appeared in open view a platoon of soldiers, firing as they advanced. Then a

company of soldiers deployed, and then another and another company, and the discharges of musketry began to vibrate through the air. It was not long after the light soldiers and the reconnoissance men had occupied the field that a gun came up and fired a shot, and soon the ground rocked with the serried tramp of the supporting regiments and the land began to reel with the deep hurrahs of the thousands as they advanced. Then came the real mettle of the attack as the heavy artillery was rushed to the field and emplaced, and from that time on the boom and crash and roar of the great guns reverberated on every side. The shouts of the thousands and the smoke and grandeur and impressiveness of a great battle reached every heart as this consummate orator, with every element of his splendid powers exerted to its utmost, carried all with him in this grand engagement.

My partner, Mr. Joseph E. Chilton, was told by his grandfather, Blackwell Chilton, that the most efficient oratorical weapon of Judge Summers, and the one most used by him, was the climax. So profound was his learning and so abundant was his vigor of fancy that he, better than anyone Mr. Chilton ever heard, was able to pile Pelion upon Ossa by one flight after another through the realms of history, fancy, law and experience.

His wonderful ability in an oratorical climax is illustrated by a statement which Judge James H. Ferguson, an unemotional and experienced lawyer, made to Mr. Chilton. Judge Ferguson knew Judge Summers well and tried many cases with him. He told Mr. Chilton that the last case he ever tried with Judge Summers was an ejectment case at Winfield in

Putnam County, in which was involved the location of a large survey of land. He was opposing Judge Summers and was to follow him in the closing of the case. Judge Summers in attempting to locate as the true corner of the survey an oak that was called for in the original patent, commenced in his speech at the beginning of the calls of the survey and traversed the other calls, giving his reason at each call why this or that course was taken by the surveyor in making his way through the mountains. After mentioning the different creeks called for and massing all the different circumstances that would show this to be the natural course of the surveyors in locating the survey in the forests, he came to the beginning of his climax by saying, "We now arrive at that gigantic oak whose successive growth has marked the flight of centuries." Then began one grand flight of poetry and eloquence, in which every line was a living being and every stone a walking soul. He invested creek and mountain, and hollow and hill with a glory of expression exceeding anything to which Judge Ferguson had ever listened. Claspings his hands around his stomach with his favorite gesture, and throwing back his head, Judge Summers revelled in the description of the great tree under which the Indians had reared their children, made their camps, and where the whites had followed them, bringing in his grand march of eloquence the thunderous steps of the Father of his Country who had surveyed the land—all in a tremendous array of bold and wonderful speech. He so graphically described and so minutely depicted the various absolute reasons why this oak was the true corner that when he closed and sat down, Judge Ferguson said to Mr. Chilton, "I



NORTH FRONT OF SUNRISE

had forgotten what my defense was and felt absolutely sure that if that oak was not the corner, it ought to have been; and whilst I knew that the oak, the true corner, was a mile away from the one so wonderfully described by Judge Summers in his speech, still, throughout the whole of my argument I was not able to think down in my heart that my oak was the true one. I had proven my oak by incontestable evidence and the court had instructed the jury as to the true corner, yet, notwithstanding this, the jury promptly brought in a verdict for Judge Summers which I was able only after a long contest to have reversed by the Court of Appeals. When Judge Summers closed his argument, so absolutely wrapt was I in his great eloquence that I sat there with my mouth open like one of the audience and had forgotten that I was to defend the case." Judge Ferguson said that the dry action of ejectment was a poem in the hands of this man, from the opening to the conclusion, and that while he himself was opposed, it was the most masterful and beautiful effort he had ever heard.

Even a man so eloquent as was Judge Summers occasionally fell into trouble. It is related that he was trying an important land case, the lines of which, according to his contention, closed about the confluence of the Gauley and the New rivers, and in his picturesque manner he attempted to make the mouth of the New River the closing point of his land lines as well as of his oratorical climax. As was his wont, his beginning was far off and his imagery leading up to his grand climacteric was begun by the picture of an Indian pushing his birch bark canoe out into the Ohio, at that time lashed by the wind into white and

angry waves. As the Indian's canoe struck the broken water, he exclaimed "O-hi-o," (the River of White Caps). Then, with sinewy hands the tawny warrior drove his canoe to the mouth of another great river fringed on all sides with beautiful trees, with the wind murmuring through great beeches and oakes, the limpid water singing its way under the shade of the water birch, the maple and the willow, and whispering its journey always under the shadow of the enfolding trees along the banks, his barbaric soul touched with the beauty of the scene of water and sun and shadow before him that he uttered the word "Kan-ha-wa" (the River of Woods). Pushing steadily onward towards the east, he came to the river breaking into the Kanawha, and with winged arrow transfixed for his evening meal a doe. Touching its tender flesh, he called it "Po-ca-tal-ico," the River of Fat Doe.

Here the great orator, in the midst of the land which he loved and in sight of his home, glorified by the beauty which thronged upon his exalted imagination, followed the warrior past the Coal River with its mountains abutting upon the shores of the Kanawha, which was given its Indian name "Wal-hon-de," (the Hill Creek). With his wizard's wand waving into life the legend and story of creek and river and mountain, he followed the warrior past the mouth of Elk River with its rich prairie and grass arching over the backs of the wild elk. This in turn was given its name "Tis-chil-wah," (the River of Fat Elk).

Then past Campbell's Creek, the "Nip-pi-pin-mah," the Water of the Salt, with the smoke of the fires of the Indian salt-making touching the air, the

warrior reached quickly the bottoms filled with deer, "Ot-to-we," (Deer Creek) our Paint Creek. And further upward, when the tireless strokes drove the canoe to where the mist of the falls floated like disembodied spirits over the beautiful water and the laughing of the breaking river echoed between the tall mountains like voices of the mist, he was at "To-ke-bel-lo-ke," (the River of the Falls). Then he looked above the mouth of the Gauley where through the broken gorge came another river. At this point the orator hesitated a moment in the midst of his eloquent flight, as "Mon-don-ga-cha-te," the Indian name of the New River, the very keystone of his oratorical arch escaped his memory. So raising his hands with unwonted gesture, he filled his Indian chief with beautiful thoughts, but still the name would not come, and in his desperation, he caused his warrior, who was looking upon the broad expanse of waters, to exclaim "New."

Then his opponent, a hard-headed, unpoetic Scotch-Irishman, who was on the other side, seeing his trouble, remarked just sufficiently loud to be heard by jury and Court, "Summers, it seems to me that your Injun is speaking damned good English all of a sudden." It is said that Judge Summers looked steadily and sorrowfully at his lawyer enemy. In silence, he let his hands slowly fall to his side. Then he took another long distressed look at his opponent, and amidst the wreck of his metaphors, the tangle of his land lines, and the jumble of Ossa and Pelion, without another word sat down.

He was a great master of the art of touching and binding to him by human speech the hearts of men. In this he was unsurpassed by any man of his day in

Virginia, and, possibly, excepting Patrick Henry, unsurpassed by any man Virginia has produced. The man who more nearly approached him than any man of his time was Governor Henry A. Wise, but in stirring the deeper and more profound emotions of the human heart, Governor Wise was not the peer of Judge Summers.

The public life of Judge Summers is largely a history of the prolonged contest on the part of Western Virginia and the Valley of Virginia for equal political, fiscal and economic rights with the Tidewater. To understand his life it will be necessary for a moment to glance at the political conditions in Virginia. Roughly speaking, Virginia was composed of the Tidewater, the Piedmont, the Valley and the Trans-Allegheny section—the latter, with part of the Valley, comprising the West Virginia of today. In the days before the Convention of 1850 all political power had been tightly held in the hands of the Tidewater people. The Tidewater was a section of great land and slave owners, with many of the appurtenances, both social and civil, of the English feudal system, and the laws as to representation and taxation were moulded for the benefit of this relatively small portion of the state.

In the Piedmont near the foothills of the Blue Ridge there were fewer slaves than in the Tidewater, but the political sentiment of this section was largely controlled by the latter section. The great Valley of Virginia was principally settled by the Scotch-Irish, who, while many of them were slave owners, as a body did not take kindly to slavery. They had few of the characteristics of, and little sympathy with, the English-Virginian of the Tidewater.

The Trans-Allegheny country was diverse in sentiment from any other section of Virginia but more allied with the Valley of Virginia than with the others. Many of the hardiest of the Scotch-Irish had moved into this region from the older settlements of the Valley, and a number of settlers of German extraction had also migrated into Western Virginia, whilst a goodly number of people from Pennsylvania and the East had floated down the Ohio River and many had migrated through Pennsylvania, breaking over the crest of the Alleghenies. Thus this section was filled with an adventurous, earnest people which had been fighting the Indians, hewing its homes out of the forest and filled with a vast pride of local independence. Here was nothing of the feudal life of Eastern Virginia. Both the Valley and the Trans-Allegheny section were inhabited by the small farmer, and in the middle days of the century small manufacturing had begun. Iron making was developing, sheep and cattle raising was increasing, while salt making was one of the important industries. The direction of these people of the Trans-Allegheny section was towards Eastern Virginia, which was separated from them by two great ranges of mountains.

Thus, from the beginning, there was a conflict deep and fundamental between Western Virginia and the Valley on the one side and Tidewater Virginia on the other. Every effort was made by the Tidewater people to continue their control of the lawmaking powers against the increasing population and wealth and the rising independence of the West. This political control was effected by combining the slave population with a property qualification on the basis of representation for voting powers, and at the same

time making a basis for taxation which did not give a sufficiently large valuation for the slaves of the Tidewater. This enabled the Tidewater country to hold its hand upon the basis of representation, thus controlling the laws of the state and also enabling it to place an unfair burden of taxation upon the West. At the bottom of all was the deep feeling on the part of the Western portion of the state against slavery. The control of Virginia was thus in the hands of a remorseless aristocracy which had its home in the Tidewater and which was alien in feeling and interest to the small farmer of the West. The independent people of the Valley and Western Virginia resented this condition of political servitude, and many times there was a threat of cleavage on the part of the Valley and the Trans-Allegheny section from the older portion of the state.

These were the causes, generally speaking, why the Convention of 1829 and 1830 was filled with an intensity of feeling between the East and the West unparalleled in the history of the state. This Convention was the most distinguished in the personnel and character of its members of any convention that had ever sat in Virginia. The people of the West, hampered by unequal taxation and bound by freehold suffrage, were determined that this political inequality should be done away with; the Tidewater people were as fully determined to maintain their political and economic supremacy.

The Convention was composed of the strong men of Virginia—James Monroe, James Madison, John Marshall, Benjamin Watkins Leigh, Littleton W. Tazewell, William B. Giles, John Tyler, Briscoe B. Baldwin, Chapman Johnson, John Y. Mason, John

Randolph, Philip P. Barbour, Robert Stanard, John Roane, Lewis Summers, Philip Doddridge, Alexander Campbell, John S. Barber, John W. Green, William T. Cabell, James M. Mason, John Scott, and Abel P. Upshur. The interests of the West were championed by one of the ablest lawyers of the time in Virginia—Philip Doddridge, and Alexander Campbell, the great theologian and debater, assisted him in presenting the cause of the West.

I must be pardoned for digressing for a moment from this summary and speaking of these two distinguished men, Philip Doddridge and Alexander Campbell. Philip Doddridge has suffered the fate of so many great lawyers, and in the country which he loved so dearly and defended so resolutely and ably, he is forgotten. Such is not exactly the case with Alexander Campbell because he was the head of a famous school and of a great system of theology and is honored by thousands of its religious adherents to this day.

Philip Doddridge was distinguished in every sphere of life. He was possibly the greatest pure lawyer of his day. I quote from the distinguished historian, Hugh Blair Grigsby. Says Mr. Grigsby: "With all who are conversant with the legislative history of the state the name of Philip Doddridge has long been familiar. Perhaps to him more than to any other man living, disconnected from the public press, the Convention then sitting owed its existence. As early as 1816, with Smythe and Mercer, he had fought the battle in the House of Delegates with success, but his favorite measure was defeated in the Senate. Then, and not till then, did he approve the passage of the bill re-arranging the Senatorial districts on

the basis of white population. Although he never entirely forgave the East because the districts were re-arranged on the census of 1810, and for the loss of a fraction of population which he thought was due to the West, he was candid and generous in his appreciation of the talents displayed by his opponents on that occasion, and often in private, and more than once in debate, spoke of the argument of Tazewell in reply to General Smythe on the Convention-bill of that session as by far the ablest he had ever heard in a deliberative assembly. A member of the House of Delegates at intervals through a long tract of time, he was in that body during the session of 1828-9, when the bill calling the existing convention became a law, and sustained it with masterly speech. It may not be unjust to the living or the dead to affirm that of all the distinguished representatives from beyond the Ridge, he held the first place in the estimation of the West. There his early history was known; there his fine talents brought forth their first fruits; and there was the theatre in which his greatest forensic efforts were made. There was something, too, in the fortunes of a friendless youth, with no aid but his own untiring spirit, winning his way to the highest distinction yet retaining to the last the simple manners of early years, which appeals to the best feelings of the human heart everywhere. The people of the West knew and loved the man, but they had known and loved the boy. The interview of the young Doddridge—chubby, sunburnt, ungainly, and in his boatman's garb—with the haughty governor of the Spanish territory on the Mississippi—neither understanding the native language of the other, but conversing in bastard Latin which the youth had

picked up while his fellows were picking squirrels out of the treetops of the yet unbroken forests of the West, would form a suggestive picture, which, I hope, the brush of some Western son of genius will commit to canvas for the admiration of future times. Well and worthily did he requite the affection of the West. Not only in his great speech on the basis question, when the hope of triumph was bright before him, but afterward, when his plans were thwarted, did he strive to secure the great object of his mission. As a speaker, he had many great qualities—readiness, fluency, and an unlimited command of all the logic, and, what was of great importance in that body, of all the statistics of his case. Irascible even, and prompt to take offense where offense was intended, he was distinguished for great courtesy in debate; a trait so distinctly marked as to call forth the pointed acknowledgment of Randolph. Whether he prepared himself expressly for the occasion I cannot say—for the whole subject had been the study of years, but in the great debate on the basis, and in the innumerable ones which would suddenly spring up, he was a gushing fountain of facts and figures. He had none of the ordinary graces of a speaker about him. His voice seemed to come from his throat and had no freedom of play. He was low and broad in stature; his features were heavy, though to the close observer they might bespeak a great mind in repose; and in his dress he was a very sloven. Indeed his form and dress, even his position in the Convention as well as the powers of his great mind, are foreshadowed by Horace in his third satire as faithfully as if the Tiber and the Yohoghany were sister streams:

Iracundior est paulo; minus aptus acutis
 Naribus horum hominum; videri possit, eo quod,
 Rusticius tonso toga defluit, et male laxus
 In pede calceus haeret. At est bonus, ut melior vir
 Non alius quisquam; at tibi amicus; at ingenium ingens
 Inculto latet hos sub corpore.

I have spoken of the readiness of Doddridge in debate. He was occasionally very happy in retort. When he was replying in the legislative committee, which held its sessions in the Senate chamber of that day, to an argument which Tazewell had just delivered, he remarked, alluding to the Convention bill of 1816, that he had heard that argument before. Tazewell observed audibly: "*Ergo* it is unsound." Doddridge instantly retorted: "*Ergo* it has been answered before." Though a resident of that region which has not inaptly been termed the pan handle of the state, and in his daily offices mingling more with the people of other states than with our own, he was as true a Virginian as ever trod our soil, and was among the last of our eminent statesmen who spoke with something of an acerbity of personal feeling of the craft with which the Pennsylvania Commissioners, at the head of whom was the celebrated Rittenhouse, are reputed to have beguiled our own out of thousands of acres of our most fertile territory. On his return home he was elected to Congress, and, while engaged in reducing to a code the local laws of the District of Columbia—an office for which he was peculiarly fitted, he was, like his colleagues Upshur and Barbour, suddenly cut off.

As to Alexander Campbell, says this distinguished historian:

"The member who followed Morris in the debate

on the basis and whose election to a seat in that body was a topic of remark at the time, from his unique position requires, though still living, a short notice. In Virginia, before and since the Revolution, a prejudice has existed in the public mind on the subject of an union of religious and political functions in the same person. In England the clerical character is indelible, and in this state no clergyman had appeared either in the State or Federal Convention; and he was directly excluded from the General Assembly. It is true that Witherspoon was one of the most efficient members of the Continental Congress, and exerted a wholesome influence in settling the articles of Confederation—the identical basis for which the East was then contending; and in our own State president Smith of Hampden-Sidney, in the discussion of the day on the expediency of adopting the Federal constitution, had opposed Patrick Henry, who, in answer to Smith's pointed enquiry, why, instead of abusing the constitution, he had not repaired to Philadelphia and aided the Convention with his advice when it might have been of some avail, replied with a significant look and gesture: 'Sir, I smelt a rat.' And not long before the meeting of the convention, Edward Everett, who had filled the churches of Boston with crowds anxious to catch every syllable from his eloquent lips, had thrown aside the gown, and had recently made his maiden speech in the House of Representatives. Still there was a strong distrust of theologians in Virginia, and it was feared that by the presence of a popular divine in the Convention the element of religion might be mixed up with topics sufficiently exciting in themselves. But the course of ALEXANDER CAMPBELL soon dispelled all such fears.

He indeed belonged to a sect the most numerous in the Union—a sect, however, most devoted to religious freedom in its largest sense—but, if it had been otherwise, of this powerful sect Campbell was schismatic. There was no danger to religious freedom from him. He needed it more than anybody else. With the doctrines of his church and with the constitution of the state he was equally at war. In his personal appearance, in his dress and manners, in his style of speaking, he was a man of the world; and it would not have been suspected that he was other than a layman, if in his speech on the basis he had not drawn his illustrations at length from the Jewish system, and sought to strike out George Mason's constitution with a view of inserting the Book of Deuteronomy in its stead. He had a great fund of humor, and, observing the zeal with which the East pressed the antiquity of the constitution, he proved easily enough the superior age of his own system, and urged that the East on its own principle might without self-abasement lay George Mason at the feet of Moses. He was a fine scholar, and, with the younger members of the body who relished his amusing thrusts, his pleasant address and social feelings rendered him very acceptable. As a controvertist he had some great qualities; he was bold, subtle, indefatigable, and as insensible to attack as if he were sheathed in the hide of a rhinoceros. He made a successful rejoinder to Randolph, who had quoted in English the maxim of Lord Bacon: Time is a great innovator; to which Campbell replied by quoting the entire maxim correctly in the original: *Maximus innovator tempus*; adding *quidne igitur tempus imitemur?* He was a native of Scotland, and, as he

landed on our shores, he happened to take up a paper containing a recent message of Mr. Madison, which, he said, gave him the first impression of American genius. With the exception of Col. Bierne, he was, I think, the only foreign-born citizen in the body."

The contest was squarely between the West and the East upon the resolution. "That in the appointment of representatives in the House of Delegates regard should be had to the white population exclusively." Mr. Green of Culpepper moved to strike out the word "exclusively" and insert in lieu thereof "and taxation combined." Mr. Scott of Fauquier amended the resolution providing that the mixed basis should obtain in the House of Delegates and in the Senate the white population exclusively should control the election of members. The result was one of the greatest debates that ever occurred in the State of Virginia, the East being championed in the great argument by Abel P. Upshur of Northampton, while Philip Doddridge and Alexander Campbell upheld freeman suffrage in two of the finest speeches ever delivered in Virginia. The outcome, however, was the apportionment for senators and House of Delegation which was entirely unfair to Western Virginia, and the right of suffrage still remained in the property holders. It was a result which intensified the growing feeling between the sections.

This is a brief statement of the situation which confronted George W. Summers, who, after Philip Doddridge and Alexander Campbell passed from the scene, was the great exponent of the views of the West. This feeling, which ultimately eventuated in the division of Virginia, was accentuated by the

narrow use of its political powers by the aristocratic Tidewater section as to the material development of the West. Judge Summers, by reason of his great eloquence and the growing regard for his ability and patriotism, was elected to the Assembly of 1830 and 1831, 1833 and 1835 for the purpose of protecting the rights of the West. In the Legislature of 1831, the delegates from the Kanawha Valley attempted to amend the act incorporating the Staunton and Potomac Company so as to extend the line to the Ohio River by way of the Kanawha. Judge Summers' amendment to this act caused great alarm in the eastern section, which feared that it would annul the restriction of the Baltimore and Ohio to the upper portion of the state. The Tidewater people in their narrow desire to protect Richmond and their section had refused to allow the Baltimore and Ohio Railroad to go through Virginia and had driven it to Maryland and Pennsylvania, and only after many years was it allowed to build a branch through the upper portion of the state, striking the Ohio River at Parkersburg. Judge Summers was in the forefront in his effort to obtain a franchise to develop this section of West Virginia. Says Niles's Register, "and had the people adopted his views years ago, we have not a doubt that the real and personal property of Virginia would now be worth two millions more than it is and her population three hundred thousand freemen more."

He was only partly successful in regard to the James River and Kanawha Canal, but throughout the sessions of 1830, 1831, 1833 and 1835, he never ceased his efforts to push development over the mountains to the Ohio River. Had he succeeded,

the development of this country would have been fifty years further advanced than it is today, but his far vision was thwarted in its consummation by the narrow views of Eastern Virginia.

In the session of 1831 arose most acrimonious debates on the question of slavery, and the plain speaking indulged in in that assembly ultimately defeated Judge Summers for the governorship. Only Charles James Faulkner and Governor McDowell were ever able to recover from the political effects of that session. Ambler says that Judge Summers was an object of suspicion because he found delight in the theories of Thomas Jefferson. He was denominated the "Byron of the West, walking on the mountain tops and gazing on the desolation which burns in the plains below." Mr. Summers contended with great eloquence that the gradual emancipation theories of Thomas Jefferson were the proper ones to be carried into ultimate fruition. This resulted in his defeat for governor and for the United States Senate. In 1847, notwithstanding the fact that the Whigs desired the election of Judge Summers to the Senate, the fear of the West impelled the Eastern Whigs to unite with the Eastern Democrats and elect Hunter, a fear which impelled the Whig and Democratic delegates of the East to stand together without regard to politics and elect another Eastern man about whom they had no doubts regarding the slavery question. This illustrates the fierce differences which existed between the two sections of Virginia.

Judge Summers was elected to the House of Representatives for the sessions of 1841 and 1843. He was soon noted as one of the leaders of the Whig party in the National House of Representatives and

as the most eloquent member of his party in Congress. In the session of 1842 he was assigned to present the views of his party against the veto by President Tyler of the Provisional Tariff House Bill. In this most vigorous and eloquent speech he attacks the veto and defines most ably and accurately the position of the House as representative of the will of the people. His words are today most pregnant with interest. "But by what right, I demand, is it that the head of the Executive reverses the position which he holds towards us, and dares to announce to us in the House of Representatives what the will of the people is. I had thought that we, who are elected by the people, as their immediate representatives and agents, to do their business, responsible to them at short intervals, and in constant communication with them, were the true exemplars of popular opinion. That we, in the passage of laws, and the adoption of measures, were to present to the Executive the embodied opinion of the constituency. That we were the channel, through which that branch of the Government was to arrive at the popular will. But the President, forsooth, not only refuses to acquiesce in the public wishes, thus expressed, but assumes to dictate to the people's representatives what the people desire, and what they do not desire. As for myself, I repudiate utterly this new doctrine. So long as I remain in this body, clothed with the high and responsible character of a Representative, I shall delight to know, and to do the will of my constituents. But I shall not go to the tenant of the White House, to ascertain what their will is. I claim myself to be the organ of their wishes—a character not to be transferred to another. And could I be so

far forgetful of the allegiance which I owe them, as to look for the evidence of their will in the opinions of any Chief Magistrate, instead of to themselves, I should become at once unworthy of their confidence and fit only to be loathed and spurned by them."

Among such men as William Allan of Ohio, Isaac Bates of Massachusetts, Bayard of Delaware, John Quincy Adams of Massachusetts, Howell Cobb of Georgia, Stephen A. Douglas of Illinois, Hamilton Fish of New York, Josiah R. Giddings of Ohio, John P. Hale of New Hampshire, Hannibal Hamlin of Maine, Joseph Slidell of Louisiana, Caleb Cushing and Robert C. Winthrop and John White of Massachusetts, John Letcher and Henry A. Wise of Virginia, and Alexander H. Stevens of Georgia, George W. Summers stood easily among the first.

Once he was called upon to argue the constitutionality of the act as to the basis of representation and mode of election in the National House. This important duty assigned to him by the party leaders in Congress was magnificently performed. His speech was a great speech, measured even in the mould of the mighty men of that day—of Stephen A. Douglas, Henry Clay, John C. Calhoun and Caleb Cushing. After all these years when the burning questions of those troubled times have been relegated to the dusty corridors of the past, his words still make the heart throb and cause a thrill of pride at their eloquence and great constitutional learning. When his speech was concluded, not only did his eloquence but his great mastery of the constitutional questions of the day cause him to spring at once to a mighty place in the estimation of the great statesmen and

lawyers who occupied the foremost ranks of that period of great men.

In 1843 he presented the sword of Washington and the staff of Franklin to Congress, and the most remarkable and unusual statement of the proceedings of Congress set out in the Congressional Globe shows the regard in which he was held by the members of Congress. Says the Congressional Globe, "Mr. G. W. Summers now rose, and addressed the Speaker, who recognized the honorable gentleman as in possession of the floor; and all eyes were at once turned to him, and the whole House was at once hushed into silence. The galleries were densely filled with an anxious and attentive auditory, which had collected in anticipation of the interesting proceedings which were about to be witnessed. Many Senators occupied seats amongst the members in the House, and some of the representatives of foreign powers, accredited to this Government in diplomatic relations, were ranged below the bar; and all listened with profound stillness, while the honorable gentleman from Virginia spoke as follows": This Congressional Record, incidentally, is unique in the annals of Congress.

The space of this book precludes any lengthened presentation of his speech which only exists in a poor and garbled account, but the concluding words are typical of the feeling and oratory of Judge Summers: "A mighty arm once wielded this sword in a righteous cause, even unto the dismemberment of empire. In the hand of Washington, this was the sword of the Lord and of Gideon. It was never drawn, except in defence of the public liberty. It was never sheathed until a glorious and triumphant success returned it to the scabbard, without a stain of cruelty or dis-

honor upon its blade. It was never surrendered, except to that country which bestowed it." "And," says the Record, "loud and continued plaudits followed the delivery of this address."

Judge Summers' life during this time was filled with an intense earnestness directed towards the development of Western Virginia, as well as toward the correction of the enormous inequality between the two sections as to suffrage and the basis of representation and taxation. All the time the question of slavery grew more important in its intensity. Judge Summers and his brother, Judge Lewis Summers, were the principal figures at the Convention at Lewisburg, having for its ends the correction of these abuses on the part of Eastern Virginia.

In 1850 the feeling between the West and the East had deepened even more. The Trans-Allegheny section and The Valley of Virginia were being filled with a vigorous and independent population, which was becoming rich by reason of the varied productions of the fertile land and the activity of the people west of the Blue Ridge mountains. It did not propose to be longer bound by the unfair basis of representation and by the unjust suffrage and property qualifications imposed by the East. The West forced the hand of the Convention of 1850 which, against its protest however, was predicated upon the unfair mixed basis of representation. The Convention was composed of many of the ablest men of Virginia, among which Judge Summers was the leader of the West and of the Valley. Here first appeared upon the political scene a Western man second only to George W. Summers in his eloquence—Waitman T. Willey of the County of Monongalia, a man of

sturdy intellect, earnest, filled with classic learning, all of which was moulded into an eloquence rarely heard. He played a great part in the history of Western Virginia of these times and later in the building of the State of West Virginia.

It was recognized that the Convention was crucial to the destinies of Virginia, and the elections of the candidates were fought with tremendous intensity. Henry A. Wise of Accomack left his section and was with the West for manhood, suffrage, and a fair basis of taxation, and his part in that Convention afterwards elevated him to the governorship of Virginia. He was the only man in the Convention who could approach Judge Summers in eloquence. It was a forcible and vigorous eloquence but never as winning in its effect as that of his Western compatriot.

Probably the ablest man in opposition to Western Virginia was Robert E. Scott of Fauquier. It was a conflict of giants. There were John Y. Mason of Southampton District, John Minor Botts, Robert O. Staunton and Robert G. Scott of Richmond, William O. Goode of Halifax District, Willis P. Bocock of Prince Edward, Thomas J. Randolph, James Barbour, John Janney, Thomas F. Strother, Samuel Chilton, John Letcher, David E. Moore, Hugh Sheffey, Charles James Faulkner, Andrew Hunter, Joseph Johnson, John S. Carlisle, Elisha W. McComas, Henry I. Fisher, Samuel Price, Benjamin H. Smith, Allen T. Caperton, Augustus Chapman, Benjamin Rush Floyd. These were the strongest men of their day in Virginia.

To be mentioned with these was a great character from the West, Judge James H. Ferguson of Logan. It was he who replied to Robert G. Scott of Fauquier,

who was the chief spokesman of the East, and his reply was one of the great speeches of the Convention. The effect of his powerful argument upon the champion of the East was disastrous.

The people of the East, as I have said, were in favor of a mixed basis comprising both property and men. When it looked as if there was no hope for a settlement, a committee was formed of which Judge Summers was chairman. Its formulation of conclusive principles was rejected and the principles advocated largely by Samuel Chilton of Fauquier were, in the main, adopted. Judge Summers bore the great heat of the conflict for the West, and the best history that I can give of the contest, which will serve best to illustrate his great eloquence and his views on these important questions, is to give extracts from his two speeches made in the Convention upon the basis of representation and suffrage, one on March 18, 1851, and the other on May 2, 1851.

CHAPTER XV

JUDGE GEORGE W. SUMMERS— *Continued*

JUDGE SUMMERS began his address of March eighteenth with a statement giving the real gist of the contention.

“Mr. Chairman:—It is difficult for the mind to conceive of any event, connected with human affairs, more interesting than the spectacle of a people engaged in the peaceful and voluntary formation of a new government for themselves and their posterity. In past times, and in other countries, the destruction of one system of civil policy, and the institution of another in its stead, has usually been the work of the sword and of the bayonet. Thrones and dynasties have, for the most part, been overthrown amid the storm of revolution. Not so, happily, with us. In this great family of American states, we witness, periodically, the re-examination of political structures, and the reconstruction of social systems, with as little wonder, and with almost the same sort of matter-of-course expectation, that we look upon the repairing or rebuilding the edifices in which we dwell. A portion of our sister states, through the medium of their representatives, are now, as we are, assembled in Convention, for this purpose, while others have but adjourned, having completed their labors and submitted the work of their hands to the free choice of those upon whom their several systems are designed to operate.

This state of things, Mr. Chairman, distinguishing the people of this country from the people of all other countries and all other times, may be traced to its head-spring, in the sentiments and opinions which animated our ancestors when they first settled upon these shores, and may be followed down through all their subsequent progress. In that short form of association, drawn up and signed by the Pilgrims, on board the Mayflower, ere they had landed on the bleak coasts of New England, and in the proceedings and institutions of the colonists at Jamestown, may be found the germ of those principles, which, expanding with their growth, has reached maturity, in that blended system of separate state sovereignty and national union which has attracted to these United States, the love and affection of our own people and the admiration of all others.

“If to Newton and his followers may be assigned the high distinction of having fixed the planetary worlds in revolving circles around one common centre, and of having bound them there by the forces of gravitation and attraction, so to our Anglo-American ancestors may be awarded the high praise of having constructed a great confederacy of states, each one moving in its own proper orbit, and yet all harmoniously united together, by written constitutions. They brought here and planted in our soil (never, I trust in God, to be eradicated) the great principle of popular sovereignty. They brought with them the principles of equal law—of the greatest good to the greatest number—the principle of popular suffrage, and that great fundamental principle, the right of the majority to rule.

“In obedience to these great principles, we are

here today. A majority of the members of the body politic in this commonwealth, have decided to assemble in Convention, by their delegates, clothed with power to act for them, for the purpose of amending their present form of government, or to devise a new one. If there had been, of the whole voting population of Virginia, but a majority of one man in favor of holding this Convention, it would have been held. If, on the contrary, those opposed to a Convention had preponderated by a single vote over those in its favor, we would not have been here. So, too, when we shall have finished our labors and shall have propounded to the people of this commonwealth the constitution which we, their representatives, may agree upon, and they shall be called to pass upon our work, if a majority of one only shall be found of the entire voting population of the State against its adoption, it will be rejected as effectually as if the voice of thousands had defeated it. We shall then continue under our present form of government, until a new expression of the popular will shall again seek the change of it. But, sir, upon the other hand, if the people of this commonwealth, by a single vote, shall ratify and affirm the constitution we may offer to their consideration, it will have for its effect the destruction—the doing away of that government under which we have lived for the last twenty years and more, and the substitution in its stead of a new one for them and their posterity afterwards, until changed again.

“Such is the controlling, pervading, omnipotent effect of the popular will—such the power of the popular majority. The present government cannot be abrogated; no one can be introduced in its stead,

without the asset of the majority. It can create, and it can destroy.

"Yet, sir, strange to state—passing strange it is—the very first difficulty that obstructs our path—the very first question we are called upon here to discuss, is, whether we shall construct such a government as will enable this majority, by whose voice the government itself is to be breathed into life, or rejected, to speak its own will and its own law, or whether we shall so form and construct it as to carry off the power of that majority and concentrate it in the hands of a minority of the people of this commonwealth. Is it not strange that such a question should be presented at this time and in this country—that we should be thus attempting to take a step backward—that we should thus find ourselves involved in the old struggle, whether the few shall govern the many, or the many shall govern the few. Yet such is the fact. Property claims to govern men. Wealth seeks dominion over numbers."

He reiterates his argument again and again:—"Mr. Chairman, the moment you depart from the majority principle, and determine to place the power of government in the hands of a minority of the people, you abandon the true principles of republicanism and create an aristocracy, more or less concentrated, in proportion to the numbers of which such minority may be composed, but still not the less an aristocracy. This word is derived from the two Greek words *aristos*, the best, or the select, and *krateo*, to govern, and signifies a form of government in which the political power is vested in the select men, or the better men of the State, in contradistinction to a government in which there is an equal

distribution of political power among all the citizens. It is immaterial upon what ground the selection may be made, or on account of what qualities the selected citizens may be deemed the best of the community. Whether on account of noble birth, as in some of the aristocracies which have gone before us, or on account of superior wealth, as is now attempted here. I do not know that there is much ground to choose between an aristocracy of birth and an aristocracy of money. Nor do I see that there is any difference in principle, between such a government as you are endeavoring to construct for Virginia, and which is to give four hundred thousand people in one section of the State, on account of their superior wealth, power to control and govern five hundred thousand people in another section, and those governments where the power is more concentrated, as in the republic of Venice. The principle is the same—the only difference is, that in our case the power of the few is more diluted, by diffusion among a larger number. But disguise it as you may, it is an aristocracy. It will not be the government of the people but of the lesser part of the people, selected to govern the greater number, because of their superior wealth.

“Suppose this were an original question—imagine, for a moment, that instead of being here in this representative assembly, the whole people had assembled together at some central point in the Commonwealth, to agree upon the terms on which they were to live together as one people—to make a government for themselves, and by themselves, instead of through us, their deputies. Suppose in this assembly one-fourth, or one-third of the whole num-

ber, being east of the Blue Ridge, should set up a claim to govern the residue by taking the Legislative power into their own hands, and for the reason, that having the larger amount of property, they would be called upon to make the largest contribution in taxes to the support of government. How would this pretension be received and treated by the three-fourths, or the two-thirds who had come to the assembly from the west side of the mountains? They would say: 'If we unite in forming a government with you, it must be on terms of perfect equality. We are willing to mingle our people with your people, and our destiny with your destiny, and to be governed by the will of a majority of the whole, properly expressed in such form as we shall agree upon. We came not to surrender any rights which we possess, but by union with you to have those rights better guarded and preserved, and in turn to preserve and guard yours. We come to construct a government for the common good, and by our combined strength to place all our rights on the surest and firmest foundation. If you have most property, we have most men. If you will be called upon to make the largest contribution in peace, we will be called upon to make the largest contribution in war. If you have the money to furnish arms, and construct defences, we have the soldiers to wield them. If you have the means to purchase peace, we have the physical force to compel and maintain it. We are willing and most anxious to unite with you as equals, and as brethren; but we are not here to become your subjects, and to be ruled over by you because you are wealthier than we are.'

"Such would be the response of the majority, and

I doubt not, its justice would challenge the assent of the whole assembly. Sir, every just notion of popular government is violated when you say that a minority of the people shall govern. It is at war with the inbred sentiments of the American heart. It reverses all the great teachings of American History, and converts all the great triumphs of American liberty into empty and barren abstraction. It tears from the bill of rights every practical virtue, and leaves it only a string of sublime theories.

“But it is said by some of those who have taken part in this debate, that the plan of representation which they propose, of founding the legislature in part upon taxation, and in part upon population, involves the same great principle for which our fathers contended in the Revolution—that it was then maintained that taxation and representation should go together—that the spirit of the scheme which they now present comes down to us sanctified and consecrated by the blood and service of that great contest. I deny it, and call them to the proof. There is no analogy whatever between the principle maintained in the Revolution, and the principle (if it have any) of representation here proposed for the General Assembly of Virginia. The people of these colonies did deny that Parliament had a right to tax them, and they did claim that they could only be rightfully taxed by their representatives; but they never claimed to be represented in the British Parliament, either according to their numbers, or according to numbers and property combined, or in any other mode. Their position was, that they were only subject to be taxed by their own colonial assemblies. When they complained of taxation by Parliament, it

was not that they set up any co-relative right to be represented in Parliament—this they had no desire for. They disclaimed all right in Parliament to subject them to taxes, not because they were unrepresented in that body, but because, by the relations existing between the mother country and the colonies, the right to tax the people of the colonies was vested, as they declared and maintained, solely in their own legislative assemblies. As far back as 1651, when the colony of Virginia, which had held out for the monarchy, consented to recognize the commonwealth of England, it was expressly stipulated by the 8th section of the articles agreed to at Jamestown, that:

“ ‘Virginia shall be free from all taxes, customs, and impositions whatever, and none to be imposed on them without consent of the Grand Assembly.’

“If gentlemen would derive any profit from an examination of this period of our history, they would do well to ascertain how the good people of Virginia were then represented in the ‘Grand Assembly,’ rather than busy themselves with the vain effort to show that we separated from the mother country because we were not duly represented in Parliament, or because we were taxed by a body in which we were not adequately represented. No, sir. Our fathers denied the right to tax. It was a struggle for right and for liberty.

“Mr. Burke remarks that most of the great contests for freedom in England have grown out of the power of taxation. They have not questions of succession so much as questions of taxation. But, Mr. Chairman, these were not such questions as we have to deal with now. They were no miserable

squabbles whether the majority should be denied power to levy taxes because they did not possess a majority of the property, or whether the people of Great Britain should be represented in the Parliament according to the property they owned or the taxes they paid. No. These were contests of a nobler kind. They were efforts of the majority—efforts of the people of England, to rescue the powers of taxation from the minority—aye, sir, a minority of one; from the King, who had usurped them, and to restore them to the hands of the people, where they belonged. These contests were, whether kings, without law, should impose taxes and burthens upon the people—whether in the form of ship money or benevolences—or whether the great power of taxation belonged to the people. In their hands these were great questions of right and of freedom.

“So far, sir, from deriving any sanction to this proposition from our revolutionary struggle, every act and every announcement of that great conflict is against it. The equality of men, and the equality of political power, is everywhere proclaimed. The very purpose of our Bill of Rights was to denounce monarchy and aristocracy and every form of government by which the will of the people was overcome or suppressed, and to declare the great fact that all power is vested in the people, and only derivable from them.”

He relentlessly excoriates the basis of half men and half money:—“But, Mr. Chairman, apart from the history of the thing—apart from the fact that but one solitary State in the Union has adopted this system,—let us look at the thing itself; let us come up, and view for a moment this image of brass and clay—this

thing compounded of men and money—this thing so admirably described the other day by the gentleman from Frederick (Mr. Byrd) as a *lusus naturæ*, with one black leg and one white leg; and let us learn from these gentlemen, who stand godfathers to this hybrid, something of its faculties and capabilities. I want a reason for it. When I return to my constituents, I shall be inquired of with great interest—if you should put this mixed basis upon us—not only where it came from, but what is the philosophy of it. ‘What basis of representation,’ they will ask, ‘have you adopted?’ ‘Why, we adopted one, that it is said, is found in the South Carolina constitution—half men and half money.’ ‘Well,’ but some of my constituents may inquire, in the simplicity of their hearts, if they adopted this mixed basis at all—‘where is the philosophy of this mixture of equal moieties? Why half population and half taxes? Why every seventy-fifth part of the one and every seventy-fifth part of the other? Is there any chemical analysis by which you have ascertained the due admixture of these ingredients? Is there any political arithmetic by which it is ascertained what relation men shall have to money, and money to men? Does old Adam Smith, or Ricardo, or Say or any of the writers on political economy, give you rules for weighing men and money, and putting them half and half? Why do you not put them in one-thirds to two-thirds, or one-quarter to three-quarters. Why take them half and half—equal moieties—one-twenty-fifth of each? Why did you do it?’ Why, gentlemen, I shall be compelled to inform them that I heard no other reason given for it, under Heaven, except that you found it in the constitution of South Carolina, and

that it was found necessary, after proper conference, to put it also into the constitution of the State of Virginia, in that shape, in order to secure the country lying East of the Blue Ridge a majority in the Legislature of nineteen on joint ballot. It takes this combination of half men and half money to secure to our friends of Eastern Virginia this majority. A less proportion of money could not effect that object. I have no other reason to give you, my constituents. The representatives of the Eastern people furnished me no other; they have never told me, to this hour, why and wherefore it is half and half, any more than any other number or combination."

The principles for which the West contended were as succinctly stated in the Evening Session of the same speech:

"The principle which we advocate is embodied in the three following articles of schedule B:

"3. The qualification necessary to confer the right of suffrage shall be uniform throughout the commonwealth, so that in all elections of senators and delegates the same qualifications shall confer the same right of suffrage; and the suffrage of one qualified voter shall avail as much as that of another qualified voter, whatever may be the difference in value of the property owned by them respectively.

"4. As individual suffrage should be equal, without respect to the difference of individual wealth, so an equal number of qualified voters shall be entitled to equal representation, without regard to their aggregate wealth.

"5. Representation shall be equal and uniform in this commonwealth, and shall always be regulated and ascertained by the number of qualified voters therein.'

“The third and fourth sections, which I have just read, are couched in the language of one whose memory the West delights to honor. They are, with slight modification, the resolutions relating to suffrage and representation, presented in the Convention of 1829–30, by that pure patriot and gallant soldier, Gen. Robert B. Taylor, of Norfolk,—words for the utterance of which he was driven from that body. I confess that I find additional motive and stimulus to the advocacy of the great principle which they contain in the adoption of the form which he chose for its presentation. We desire that ‘the stone which was rejected of the builders should become the head of the corner.’ We wish to erect some enduring memorial of the love and veneration with which the Western people cherish the name and memory of that patriotic statesman. Let the constitution we are about to frame be his monument. Let us inscribe upon its base, in his own words, ‘Equality and uniformity in suffrage’—‘Equality and uniformity in representation.’ Sir, if the West has but few friends on this side of the mountains, in regard to this great question of equality, she at least knows how to remember them.

“It has been said that these sections of the report are but abstractions. If it were so, I might ask, when before did Virginia become alarmed at an abstraction? When did she ever shrink from the announcement of what she deemed a political truth, because of a sneer that it was an abstraction? If she is more distinguished by any one characteristic than another it is as the promulgator of maxims and principles of government. The Bill of Rights and the Declaration of Independence might, on the same ground, be con-

sidered mere budgets of abstractions. The resolutions of 1798-99 would also go by the board. You call upon our people annually to unite with you in the declaration of mere abstract truths; but when such a declaration becomes necessary and proper, and when we point you to the appropriate place and time for the enunciation of a great principle, you forsooth, turn away from it as an abstraction! You become, all at once, wonderfully practical.

“But, sir, is the declaration of equal suffrage, and equal representation as flowing from it, to be termed an abstraction? Are freedom and equality of words of fancy—dreams of poesy—unattained and unattainable in real life? We regard this portion of the report as embodying great fundamental truths, lying at the bottom of the political edifice—the very foundation-stone on which alone can rest any government for Virginia deserving the name of a representative republic. If they are false principles, why do not those who object to them attack them and show the error they conceal? Not a member of this body has attempted to do so. What higher evidence can be given that they are not assailable?

“The third section affirms that individual suffrage at the polls should be equal and uniform, without regard to the amount of property held by the voter. It does not undertake to decide what the qualifications of suffrage shall be. That was a subject referred to a distinct committee. We have not yet taken up the report of that committee, or determined who shall be clothed with the right of suffrage, or who shall not be. But the article now under consideration calls upon us to say, in advance, that whatever that qualification shall be, it is to be equal

and uniform in every part of the commonwealth. Does any one object to this? Does any one propose to scale votes, according to the wealth of the voter? Is there any one here who will dare to make the proposition? You argue that it is competent for the people to adopt any restriction upon their own power which they may please. You say they ought to restrict themselves. Why do you not ask them to adopt this restriction? You say that property must be protected—why do you not attach this protection to suffrage, instead of attaching it to representation? If property is to be protected by placing power to protect it in the hands of its owners, why not bestow upon individuals a power of voting in proportion to their property? Can you, in any mode, so effectually protect property, as by enabling those who are most interested in it—the owners themselves—to exercise this protection? If government is of the nature of a mercantile co-partnership, and if the parties should have control in its affairs proportioned to the amount of their in-put, why deny to each shareholder of political power, in his own proper person, a voice and control in the ratio of his wealth and his contribution?

“Why, you know that to bring this principle to the surface, where it can be seen and understood, would be to have it spurned, loathed and rejected. No; you will make no disparity in suffrage; you will not undertake to say that one man at the polls shall have more weight than another; you proclaim all men equal in the right to vote; you boast of this as true republican equality, and the sturdy yeoman and the day-laborer are invoked to rejoice in a just and benign system, which thus places them, without regard to fortune, upon the same platform with the wealthiest man of

the commonwealth—a system which announces itself to be founded in the perfect political equality of all its citizens. But how do you hold the cup of promise to the lip, only to be dashed and broken? You do give equal suffrage to the individual suffragan; you do refuse to discriminate between men at the polls; but what avails that equality? What is suffrage, but the fountain of representation? What is representation but the product of suffrage; and of what value is equal suffrage, unless equal representation flows from it? What boots it, that fifteen hundred voters in Kanawha are, without regard to their respective fortunes, equal each to the other, and rejoice in this equality, if five hundred other voters, in some Eastern county, because of their greater amount of property, can send to the legislature the same representation, to silence and neutralize the voice of the fifteen hundred as effectually as if it had never been uttered. Why tell us of equality at all? Why seek to elevate my constituent with the proud belief that he is a freeman—that he belongs to a great republic, which confers alike upon all its citizens the same powers and the same privileges, and that there is carried out in him, and effected in his person, the great principle of the Bill of Rights, that equal political rights and equal political power are the birthright of a Virginian? What a mockery, to talk about the equality of men and equality of suffrage, and at the same time take away all equality of result! What is it to vote, but an empty form, unless that vote is to be followed by a corresponding effect? Why flatter the people with a mere appearance of equality? Sir, it may look fair to the eye, but it is deceptive. It is the light of the meteor which shines

to delude. It is the mirage of the plains, which looms in the distance, but vanishes as you approach it. It is a cheat—a delusion!

“And who shall attempt to cheat and delude the people?—their own representatives? No, I will not believe it. Away with your semblance of equality. Do not tell us of equality at the polls, and inequality in the halls of legislation. Do not tell me that one hundred and twenty thousand voters west of the Blue Ridge, having precisely the same right of suffrage, shall send sixty-eight members to the house of delegates only, while one hundred thousand voters East of the mountains shall send eighty-two members. No, sir; if you design to make inequality between my people and your people—between Eastern voters and Western voters—do it in an open, manly way; say to my people, at once, that they are not equal to your people; tell them they are not equal, because they have not as much property. If you desire to put power in the hands of the rich, in proportion to their riches, do it in open day, so that it may be understood of all men. Do not give the people equality as individuals, and take it away in masses—equality as units, but inequality in the aggregate compounded of these units. Carry out your doctrine of control in government, according to interest; carry it out in the individual voter, by giving him a number of votes corresponding with the amount of his property or the amount of his taxes; carry it out in the counties, and let the portions and neighborhoods of the county have power in proportion to wealth and to taxes; carry it out in the election of all your officers, whether for the State or for the county. If it be a principle, having truth

and justice for its foundation, let us have the benefit of it, in all its ramified applicability. If it is intended to restrain and degrade the Western people, and to put shackles upon them, I desire they shall understand it, when it is done, and that they shall know how it is done. If our State government is to be an aristocracy, let it come in its true shape, and not in the guise of a representative republic, proclaiming the freedom and equality of all its citizens. Do not mask its features; do not shelter the principles upon which it is formed, by withdrawing them from the view of the people. Let not another be added to the long catalogue of devices and schemes which have in all ages been resorted to, with a view to flatter, to deceive and to enslave."

In this speech the accusation of proclivity to disunion in Western Virginia was thrown back with biting irony and tremendous force:—"The gentleman from Fauquier (Mr. Scott) said that there was a 'proclivity to disunion sentiment in Eastern Virginia.' In speaking of the people of Western Virginia, he said he looked upon our growth 'with the pride of a Virginian and the sympathy of a brother,' and that he looked to our people for important aid in the preservation of the Union of these States. In this expression of sentiment, he has but done justice to the Western people. They do love this Union, not with a fitful, occasional, temporary attachment, but with a devotion as firm and unshaken as the mountains among which they dwell, and as constant as the flow of the streams which issue from their base. It was to the people of 'West Augusta' that the thoughts of Washington's great soul were directed, when, in the darkest hour of the

revolution, and when all was disaster and dismay around him, despair filled every heart but his own, he declared that though stripped of all means of attack or defence, if he was given the ability to erect a standard, however tattered and torn, upon the hills of 'West Augusta,' he could yet call around him the men who would lift up and restore the bleeding fortunes of his country. Sir, our people are the children of that old 'West Augusta.' (Applause.) The descendants of those to whom Washington looked for succor and support, are as determined to preserve the independence and Union of these States, as their fathers were to achieve these blessings.

"What portion of the United States is more interested in perpetuating this Union than Western Virginia? Our geographical position renders it essential to our happiness and safety. While Eastern Virginia is situated between the slave States of North Carolina and Maryland, Western Virginia is bounded to a great extent by the free States of Pennsylvania and Ohio. If dissolution should come, civil discord and strife of battle will come with it. In such an event, ours would be the Flanders of America, where embattled hosts would meet and contending armies decide the fate of nations. It would be the red pathway between the North and the South.

"This, Mr. Chairman, is no matter of taxation and appropriation. Our homes and our fire-sides,—our wives and our children—our property and our lives—are all involved in this great issue of the future. From whence are to come disturbances and danger to the Union? They are to arise out of difficulties between the States, either with each other, or with the federal government. What has the legislative de-

partment of the State government to do with these questions and these difficulties? Much. It has already had much to do with them—enough, sir, to open the eyes of our people, and to teach us upon what precipice we have stood, under the present distribution of legislative power, and where we will stand under this mixed basis.”

Again listen to his impassioned plea for justice to Western Virginia:—“And now I have to ask my friend from Loudoun (Mr. Janney), whether I have not pointed him to an interest which Western Virginia has in the great purposes of government, that is not protected by this basis of representation? He wants a government for protection—we also want a government for protection—ours is the greater stake; it is our all. You say our people have shown a disposition to wasteful appropriations of the public money, and you cannot trust us. We answer that your people, as is confessed, have manifested ‘a proclivity to disunion sentiments’—that they are impulsive and excitable, and we cannot trust them with the still greater issues of peace and war, of union and disunion.

“Have I not made a clear case, entitling me to demand that my friend fulfil his promise, and give up his unequal, and, to us, dangerous scheme of representation?

“And may I not ask the gentleman from Fauquier, (Mr. Scott) how he can rely on Western Virginia being able to save this Union when he will give her no power to effect it?—when he in truth binds her hand and foot to be ruled and governed in this, as in all things, by an Eastern minority?

“But, sir, I must draw these remarks to a close,

not for want of other considerations which I intended to address to this Committee, but from a consciousness that I have already trespassed too long on its kindness and attention.

“Gentlemen express surprise that the people of the West should consider themselves degraded by this inequality which is sought to be forced upon them, and at the feeling and earnestness manifested by their representatives on this floor. If our friends could exchange situations with us for a season, they would be better enabled to understand this sentiment. When our people see that some five thousand Eastern inhabitants can send a member to this body, and that it requires some nine thousand of themselves to do the same thing, is it not easy for them to perceive that you claim superiority, and that by consequence theirs is a position of inferiority? Why, gentlemen should remember who we are—that we are Virginians, of the same stock with yourselves—that we have been taught in the same school—that our notions of liberty descend from the same great teachers. If we are stubborn in our opinions of freedom and equality, do we disgrace our parentage? Would we not be degenerate scions of the old stock, if we were otherwise? Do you in your hearts censure us for claiming an equal participation in the political power of the State? Nay, would you not condemn and despise us if we did not?

“No, sir, we cannot rejoice in the fetters which you offer us. You cannot ask us to love a government which degrades us, which consigns us to a condition of colonial inferiority.

“What is a government worth unless the people love it? What is a government worth unless the people

feel that they are free under it? What is freedom but equality of political rights? I would ask gentlemen to remember the advice of old Burleigh to Queen Elizabeth: 'Win hearts, and you have their swords and purses.'

"Sir, you are mistaken about this thing. It is too late in the day. You cannot induce our people to take this constitution by bespangling it all over with constables and sheriffs, and other elective officers. They will not surrender the great principles of civil liberty for baubles. They are no longer children, to have a sugar stick thrown to them to quiet them. They know and understand that 500,000 people in one section of the State ought not to be subjected to the rule and dominion of 400,000 in another section. Humble as I am, if I had a voice that could reach every cabin and hamlet that stand scattered among the green valleys and swelling hills of the West, it should be heard imploring the people to dash this drugged beverage from their lips, spice it as you may. (Applause in the galleries.) Sir, these people are not to be deceived in this way. They will reject it with the stern resolve of freemen!

"We have been asked when this clamor is to cease, and when the patience of the East is no longer to be taxed. I answer, whenever you yield us equality, and treat us as brethren of the same family and the same household. If we are overthrown in this contest, we will rise from the fall but to renew the struggle. I do not know how others may determine. I am pretty sure how my people will act. Gentlemen, if you will force upon the consideration of the people of this commonwealth, a constitution which *you know* is not acceptable to them, which

you know is odious to a majority of this people, and which you acknowledge is no constitution unless that majority ratify and confirm it; if you will do this, go on. If our eastern brethren can only be waked up by an earthquake shock, they may produce it. The efforts of a struggling people seeking freedom and equality, cannot, will not fail of success.

“My friend from Loudoun tells us that we can never have any constitution, except on this same sort of basis. If so, how long our own patience is to endure, I cannot tell. I am no prophet, and I make no prophecies. But will you longer withhold the rights we are entitled to? Will you inflict another blow to sever us from you? Why should you do it? Why should you throw the warm blood back upon our hearts that leaps towards you in brotherhood? Why will you give us a government that we cannot love? We have come up here for another trial. There were those in the West who did not wish to come here, who were opposed to sending members here at all. There was a serious proposition made in the Northwest to hold a convention of the Western people and send no delegates to this body upon the basis on which it is constructed. But our people concluded to come. We trusted to your magnanimity. We came here, not adopting your basis or recognizing it as right. We came here expecting you to repudiate yourselves. We had hopes that out of this great Eastern country, this little band of four white basis men, who will live in our hearts and in their latest pulsations, would have been larger than it is. We had hopes that although we had few white basis men elected from the East, yet that magnanimity and justice would prevail. We had hoped to see an unbroken delegation

from the good old county of Loudoun, that county which sent a pilgrim voice through our hills and our valleys, calling us to the rescue in 1829. My people were not suffering then. Western Virginia was not suffering. We had representation by counties, and each county had two representatives. We had the full proportion which we were entitled to. But we were no laggards. We responded to the call. We came, sir, and we were shorn of our strength. We laid it down. We ourselves went down the ladder in order that old Loudoun might go up. And here we are, here we are, with one voice from Loudoun against us! Thank God, she sent two voices out of the three to tell us that she remembers us, and to help us defend the right.

"We are here to try this great issue of popular rights and of popular equality. Send us not away with sorrow in our hearts, and with reproaches upon our tongues. Put not this yoke upon us. We appeal to you in the name of a half million of free citizens. We entreat you, by every recollection of the past, and by every hope of the future, as American citizens, as Virginians, as brethren rocked in the same cradle, and nurtured upon the bosom of a common mother,—by the tombs of our ancestors yet remaining amongst you—by all the ties that bind families together, and by all the warning lessons of national injustice which history has recorded for our instruction and our admonition, we entreat, we beseech that you do not perpetrate this great wrong upon us and upon our posterity." (Great applause.)

On May 2nd, Judge Summers made an able and eloquent speech on the basis question. In the meantime the West had triumphed on the question of

representation and the increase of bitterness on the slavery question can be easily perceived. The sharpness of the controversy between the East and West was accentuated by the victory which the West had won over the East on the basis of representation.

Mr. Robert E. Scott, of Fauquier, had led the East in its attack on the West. By reason of its importance I have thought best to include part of Judge Summer's speech on the basis question. It is most important for the students of West Virginia history, and gives a fair exemplification of the moving eloquence of this great advocate of the rights of the "West."

"We are now, sir, at a critical period in the history of this government. All around us war is threatening and what are you doing? Are you strengthening yourselves, gathering up your resources and becoming posed for the onset and the shock? No. What are you doing? You are fomenting dissensions between the different sections of the State, and thereby weakening yourselves. You are diminishing the strength of the commonwealth by attempting to brand your western brethren with a want of trustworthiness in regard to a particular interest of the State. The gentleman from Mecklenburg (Mr. Good), complained of some western members for calling for a document showing the number of slave-holders in the commonwealth of Virginia—a document which showed the whole number of persons taxed with slaves to be 50,000."

MR. GOOD (in his seat). "I did not complain of calling for the document, but only, of the use that was made of it."

MR. SUMMERS. "The gentleman says he did not complain of the call for the document, but only of the use that was made of it. We had a right to call for the document, but not to use it when obtained. Why, that is something like the idea of the gentleman from Fauquier, (Mr. Scott), expressed on yesterday, that we had a right to look at his picture of the mixed basis, and to see how it divided our people into classes, but not to talk about it. (Laughter.) Gentlemen complain of the use which was made of the document referred to, because it showed that there were but 50,000 slave-holders in the commonwealth. It did show that those persons charged with taxes on slaves were 50,000, of which number 40,000 were east of the Blue Ridge, and 10,000 west of the Blue Ridge. According to this document there are not 40,000 slave owners in eastern Virginia. It will be fair to estimate at least 5,000 out of the 40,000 as hirers of negroes, and who are consequently chargeable with the tax on them, without being owners at all, leaving about 35,000 owners.

"Here is the point I make. The gentleman, and his eastern associates, claim for his section of the State, with 400,000 white inhabitants, nineteen more representatives than they give to the western division; and they ask it in part because of the slave property of the east. Now, to meet their position, we have a right to ascertain how many of this number of white inhabitants are slave-holders, in order to show for how large a portion of the people they are seeking to make a government. This, the gentleman from Mecklenburg says, is exposing their weak point. I deny that Virginia has any weak point. She has none which she need be ashamed or afraid to have

exposed. Expose your weak point because it is shown that there are but 50,000 persons chargeable with slaves in Virginia! Is that your weak point? Why does the gentleman advise us to play the game of the ostrich, and think ourselves safe because we have our heads covered in the sand? It is not the fact that the number of slave-holders is so small. You may make it a source of weakness, if for the interest of slave-holders you sacrifice the rights of the great body of your white population, but do justice and dispense equality of political rights to all, and you will never need any other protection for slave property, than that which the whole body of your white inhabitants will always stand ready to furnish. I will tell you in what your weakness consists. It consists in the fact that you are trying to expose to northern abolitionists and to force upon them, as it were, the conclusion that there is a division among your own people upon the question of slavery. That is what you are doing; and the effect of your own course and of your own action is to weaken the institution of slavery. If there be weakness, it is self-wrought, and self-imposed by your own voluntary conduct towards your own brethren. You have here made the declaration to the world, impliedly, by your schemes, and by your arguments, that western Virginia is not to be trusted upon this slavery question. What does your whole course amount to but that? Sir, as a Virginian, and as a southern man, I deny and denounce the imputation. I enter my protest against the disastrous consequences to yourselves, of your own course of remark and of action, and I would shield, if I could, the interests of the people of eastern Virginia from the

results so likely to flow from the positions of their own representatives.

"You say that if we abandon taxes as a basis of representation, and take free suffrage as the basis, that it is virtually an abandonment of slave representation in Congress, and that the abolitionists will seize hold of it and make party or political capital out of it. That such a course is to weaken us? Now, let us try the reverse of the picture. Suppose you refuse to distribute the political power of the State equally among your people—among your free white population; and that you refuse to do it upon the ground that the western people are not to be trusted, and that therefore you must reserve the power in your own hands. Is not that making your infirmity still more apparent? You admit that *prima facie* free suffrage and representation are right, but allege that in Virginia, it can not be awarded, because of the preponderance of the slave population upon this side of the mountains. Do you not thereby say to the world that you are afraid to trust the majority of your people?

"I have a right to complain; all those with whom it is my pleasure to act from the west, have a right to complain of the associates of the gentleman from Fauquier for the manner in which they have argued this question and conducted this debate. I admit that the gentleman himself has not indulged in this drift of remark. He, as well as the gentleman from Loudoun (Mr. Janney), expressly repudiated all ground of apprehension in equalizing the legislative power, except such as they supposed might attach to the power of levying taxes, and make appropriations. But the associates of those gentlemen have arrayed

western Virginia before eastern Virginia, and before the world, as not to be trusted in reference to legislation touching slave property. I deny their right thus to impair the position of Virginia in her relations to the other States. I deny and repel any right on their part to make the imputation. Who or what has authorized them, or any of them, thus to think or speak in relation to a majority of the people of this commonwealth?

"And now, I ask in all seriousness, are gentlemen willing to stand upon this ground? Are they willing to come out openly and avow that they will not divide the political power of this commonwealth equally with the west upon the ground that slave property may be thereby endangered? Do you propose to put your refusal upon that issue? If this is a principle and sentiment which you do really entertain, you may as well say it at once. It were better to avow the sentiment than to entertain but conceal it. Will it be avowed? Can it be avowed? Dare you to avow that the institution of slavery is not safe in the hands of the free white population of Virginia? If it is not, then you are weak indeed.

"But I deny it. I utterly deny and repudiate the idea of its insecurity. In the name of a half million of free white people of Virginia I deny that you have cause of alarm from any sentiment of theirs, or that you have any authority to withhold from them their just share of political power from any fancied danger to property of any kind. Unite your people in fraternal equality, and there is no government stronger than this government of Virginia, to resist and punish any and every invasion and every aggression upon her rights.

"I will ask these gentlemen another question in connection with this matter. It has been conceded here that *prima facie* our basis of representation is correct. As a general rule, it is admitted to be the true theory of a republican government; but it ought not to be enforced and applied here in Virginia, because of the preponderance of slave property east of the mountains. Now, just at this point I wish to repeat a question put by my colleague from the county of Greenbrier (Mr. Price), and which has never yet been answered. And that is this: Are we to understand you as maintaining that the institution of slavery is incompatible with the true principles of a republican government? Let us understand each other in the matter. This gentleman from Pittsylvania (Mr. Whittle), has avowed that the principle of representation for which we contend is the true principle of a republican government; that as a general proposition it is correct and the true theory. But he claims an exception to that general rule for the State of Virginia, because of the existence of her slave population, and its preponderance in one section of the State. Now, I reiterate my question, and I ask him, and all others of like opinions, whether we are to understand him and them as maintaining that the existence of slavery in Virginia is incompatible with the existence of a government in Virginia, founded in the true principles of a genuine republic? If gentlemen are prepared to affirm that proposition, then I leave it to be decided by others, who is acting most in hostility to this great interest of the State. For myself, I can never consent to the doctrine that the presence of slave property in the State of Virginia is any more in conflict with the existence of a purely

republican government than the presence of any other species of property. Slaves are to be treated as property and as property alone.

"Now, here is a dilemma. If you admit that equal representation is in conformity with the true theory of a republican form of government, but allege that this can not be carried out in Virginia, because of the existence of negro slavery, are you not striking the deadliest blow at the institution itself? Are you willing to tell your own people that we can not have a republican government in Virginia because of slavery? Are you ready to declare in the presence of the abolitionists of the North that slavery is incompatible with republicanism? Let gentlemen come up to the question. Are you willing to be placed in that position? Will you, by the denial of what you yourselves confess to be the true principles of republican government, say to the world that these principles can not be carried out and put into practice in Virginia because of the existence of slavery? Do not talk of our endangering the institution of slavery by advocating the white basis of representation. It is yourselves who endanger it, if in peril at all, by declaring, in effect, that it is only safe where the rights of freeman are curtailed and impaired.

"I tell you that your strength and safety at this hour lies in the west. The protection of your slave property is at this moment in the hands of the western people. That property is safer in the protection of the people of the western counties than in that of the eastern counties. We have a class of population that you have not at all. You have the two extremes, the rich and the poor. We have that

great middle class, the owners and occupants of the soil, the hard handed yeomanry of the land, who are not disgraced by labor; who work day in and day out. That great class upon whom rests the safety and defence of all our institutions and of the State itself. There is in that class an indomitable, unyielding feeling of reprobation against all aggregation upon property. There stands a whole people ready to unite with you any moment, not only in defence of slave property, but of every other species of property which you possess. Do them justice, treat them as equals, and they are a tower of strength to you.

"I have threatened no one. I have thought of threatening no one. I have spoken as a man of Virginia has a right to speak to his brethren of the same State. I have spoken as a representative should speak to his equals, and who are no more than his equals. As a representative of my people I acknowledge no superiority in any other representative. I have told you and I repeat it, that these claims of eastern supremacy, whether on account of slaves or wealth of any kind, are, in the language of the gentleman from Fauquier, calculated to sow in this commonwealth "dragon's teeth." The west desires to cherish none but the most kindly feeling towards the east, but when you tell them they are unworthy of an equal participation in the powers of the government; when you tell them, in effect, you do not believe they are to be trusted in reference to slavery, taxation, and appropriation, can you expect to retain their love and affection? If you continue this "eternal clamor" of want of confidence, and of distrust, and ask submission on our part, to

inequality and injustice, will not the strongest affection on earth give way under it? And when once that attachment which should bind us forever together shall have been repressed or perhaps extinguished,

“I know not where is that Promethean heat
That can its life relume.

“It is against such a catastrophe that I make resistance. It is in behalf not only of the west, but of the east also, that I war against those principles which you seek to force upon us. I am fighting for the unity and integrity of the commonwealth. I am contending against sectional disunion. I am warring against your pretensions and your principles, because if conceded and carried out they will separate my people in feeling, sentiment and interest from the eastern portion of the commonwealth.

“In that beautiful peroration of the gentleman from Mecklenburg (Mr. Good), when in imagination, he stood as he has intimated to me, in my own district, upon the beetling cliffs of New River, or upon the shady hill tops of the White Sulphur and communed with nature in the depth of her solitude, as he felt his own soul drawn out in unison with the grandeur and sublimity which surrounded him, and when as he has informed us he realized with heartfelt emotion the force of that sentiment “this is my own, my native land,” did it occur to him, that there was spread out before him a beautiful exemplification of the beneficence of Providence, in the compensating and equalizing schemes with which all its dispensations are carried out; that while malaria and disease are attendants of the fertile plains and deltas of the sea board—health and energy are given

to the rugged acclivities of the mountains? Did it ever occur to him in looking out upon those scenes, that all there was free but man—that the wild deer in their native fastnesses, and the flower beside the rivulet alike enjoyed the genial sunshine of an equal sky—that all was equality and freedom save with his own brethren in their mountain home, who alone were stamped with inferiority? Did it occur to him that it would require 9000 of those people among whom he sojourned to send me here as their representative, while 5000, of the sons of the Cavaliers, of whom he had spoken, can send him here?

“The gentleman told us that we were equals. I would fain believe it. I recognize him as a friend and an equal. We are bound together by other ties than those of public men. But while I enjoyed the soul stirring eloquence of that gentleman, I could but painfully feel that notwithstanding all its beauty, there were spots to mar the picture. I was carried back at once in imagination to my own district, and I felt that they who tread those Alpine heights, they who dwell by the leaping torrent, who are lulled to their slumbers by the mighty waterfall, and waked by the scream of the eagle, were as true friends to freedom and to liberty, as true friends to Virginia, her honor, her prosperity and her glory as were the descendants of the gentleman's Cavaliers of the lowlands of whom he is so proud. (Applause in the gallery, but immediately checked by the Chair.)

“Mr. Chairman, I feel in common with others, the utmost anxiety, that our labors may terminate harmoniously, and that the result of our efforts may prove acceptable to those who have sent us here.

“I think from indications abroad, that there are

those in this commonwealth, who do not desire that we shall settle upon any constitution, which shall meet the expectation of the people of this State. There are those who prefer the present order of things, who prefer to live under the present constitution and who are not desirous of effecting the reforms towards which I hope a majority of our number here are disposed. I warn you so to frame your constitution, that this anti-reform class united with those who can not and will not support your constitution because of the basis question, shall not prove a large majority and reject it. There is every probability, nay, almost a certainty that such will be the result, if you shall carry the mixed basis. Here we find mixed basis men who have come to this Convention for all these reforms—they go for universal suffrage, the election of the Governor, the election of all executive and ministerial officers by the people—all these changes they ardently desire. I ask these gentlemen to distinguish between the concession of popular power in these particulars and popular representation in the legislature, if they can. I ask them how they can go for these measures, and refuse to sustain this other, the greatest of all reforms—legislative equality. If the people are to be trusted with the election of their governors, judges and other officers, upon what ground do you refuse to trust them with the legislative power? In the extension of the right of suffrage everything is conceded. The whole principle is carried with it.

“But I was about to advert for a single moment, to the pending proposition, offered by the gentleman from the county of Westmoreland (Mr. Beale). I understand it to be precisely the proposition of the

gentleman from Fauquier (Mr. Scott), which has been voted down, divested of one feature, and that is, the free negro tax is deducted. I was very much in hopes when I saw the gentleman from Westmoreland rise from his seat to offer an amendment to the proposition under consideration, knowing he was from the county which gave birth to Washington, that he had something to propose which would delight us to hear. I supposed that swelling with patriotic emotion, derivable at least from locality, he was about to make some acceptable offering upon the altar which might bring down blessings to us all. But when it comes, it is a lure to the gentleman from Albemarle (Mr. Randolph) and the five gentlemen who aided us to defeat the proposition of the gentleman from Fauquier (Mr. Scott) to win them back to the support of that plan by the deduction of the free negro tax. By divesting the scheme they had voted against, of this free negro tax, in the house of delegates, the majority of fourteen to the east is reduced to thirteen. He beseeches them if they can not support a proposition which gives fourteen majority, that they will sustain his proposition, precisely the same in principle with the other, because it gives to the section from which they come, one member less!—an overture by those to whom it is addressed.

“It is useless, Mr. Chairman, to say that we are equals in this Convention, and that we ought to be satisfied with the position we hold here. I will show that even upon the mixed basis principle, the most monstrous injustice has been done to the west. The law which brought us together, as gentlemen inform us, is formed upon the mixed basis of half and half. It provided for a Convention of one hundred and

thirty-five members, and gives seventeen majority of those members east of the Blue Ridge. We come here into this Convention and go to work to devise a scheme of representation and to make apportionments under it and we find, that by reason of our increased population and taxes, on this same mixed basis in a house of one hundred and fifty, you are only entitled to a majority of fourteen, including the capitation tax on free negroes. In a house of one hundred and fifty, the gentleman discovers upon this mixed basis, that the east will be entitled to a majority of fourteen. It is now conceded that one of that number rests upon the free negro tax, and that this should be deducted, leaving thirteen majority in a house of one hundred and fifty. Now let us see what you ought to be entitled to in this Convention of one hundred and thirty-five members. You have seventeen majority east of the mountains in this Convention. Take the simple rule of three, and if in one hundred and fifty you should have a majority of fourteen, how much will one hundred and thirty-five give you? It is twelve. Take out this man who now stands upon the free negro tax, and it is a majority of eleven, instead of a majority of seventeen east of the Blue Ridge, which you ought to have in the Convention. How then would you have stood, if you had come here in a house of eleven majority?"

MR. SCOTT of Fauquier. "You have got five of them."

MR. SUMMERS. "I will tell you who we would have got, and how we would have stood presently. (Laughter.) I have not come yet to the *quod erat demonstrandum*. I have shown that in a house of one hundred and thirty-five members, upon your

own principle of the mixed basis, half and half, you were only entitled to eleven majority. Now, suppose we had come here with eleven majority on this side of the mountains instead of seventeen, and that we happened to have four eastern members elected who concurred with us in support of the white basis, viz.: two from Loudoun, one from Accomac, and one from Patrick. A change of these four from one side to the other is a difference of eight. Take eight from eleven and you have left a majority of *three*. The gentleman from Fauquier, (Mr. Scott) and his friends, defeated our suffrage basis the other day by the exact majority of nine. The result would have been the same if all the members of the Convention had been present, for those who were absent had paired equally. Supposing that they had all been here; after deducting the four eastern members who go with us, your majority would have been *three*, and then all that would have been necessary to change that result was to have any two of them vote with us. Where would you have been upon this question in such a case?"

MR. GOOD. "Just where I am—in a minority."

MR. SUMMERS. "Yes, in a hopeless minority; if you were here with eleven majority from the east, instead of seventeen. If you had a majority of three instead of nine in this body, do you think the 'way-bills' would have saved you? (Laughter.) I will tell the gentleman from Prince George (Mr. Rives) that if it were not for those 'way-bills' of which he spoke, operating upon himself and others, we would have carried the suffrage basis by a majority of ten at least. We hope to do it yet. We have remedy for your way-bills—something that will relieve the gentle-

man from Prince George (Mr. Rives) and others from the responsibility of the way-bills. When you were canvassing your district you announced to your people, in your speeches and your circular, that you were a mixed basis man, and your people agreed with you—they agreed with you, as the gentleman from Accomac (Mr. Wise) would say, from a certain habitude of mind, or habitude of thought—for the people of eastern Virginia have not discussed this great question, as we all know. The great deep of popular opinion had not been stirred in this part of the State. Well, your people agreed with you from this habitude of mind. They had so thought from 1829, and nothing had occurred among them to turn the current of public sentiment. Now, I do not intend to say that any change has taken place in the opinions of members since they came here, but I am going to state a hypothetical case, as we do in the courts sometime. Suppose now that the gentleman from Prince George (Mr. Rives) did avow himself a mixed basis man, out and out, in his 'way-bills' and speeches during his canvass. He has come to the Convention, heard all that has been said on this question, and listened to the powerful and unanswerable argument of the gentleman from Accomac (Mr. Wise) and becomes satisfied, as I will suppose for the moment, that, as a true republican, he can not refuse to put the political power of this State equally in the hands of those who are clothed with the right of suffrage. I will suppose that he changes his opinion. What right has he to say that his people may not have changed their opinions too? They have been reading, and they may have been convinced also that their opinions were wrong. You do

not know whether they stand precisely in the same condition or not that they were when you put out your 'way-bill.' Will you not afford them the chance to act upon such a change, will you not secure to them the opportunity of doing it themselves?

"Now, I am not much of a doctor, but I have a prescription for just such a case, and that is, take the alternative proposition. Submit the question to the people, and let them decide for themselves. Let them avail themselves of the benefit of a reconsideration, and of the same change that may have come over you."

MR. WISE. "They can not reproach him then."

MR. SUMMERS. "No, they cannot reproach you for going against your own 'way-bill.' They will relieve you by their own vote from the obligation of that document. Yes, sir, upon their own scheme of the mixed basis the east is, at this moment, entitled to but eleven more members in this body than the west. And four of the eastern members, being with us in sentiment, the mixed basis party would be left with a majority of three, all told. Our position here is the result of calling this Convention before the taking of the census, and the re-assessment of our lands. In this state of things, it would be a reproach to the age in which we live, to say that in order to harmonize the interests of this great Commonwealth, we are incapable of agreeing to carry out an equal renovating scheme of government for the common benefit of the whole people.

"In response to the gentleman from Fauquier (Mr. Scott), who seemed to speak with so much warmth yesterday, I would say that he has, I fear, come up to this question too much in the spirit and temper of

an advocate—too much in the spirit which covets victory and triumph. That gentleman has heart and mind enough to energize a whole State, and I say it in the best feeling (for I have no other than feelings of kindness towards him), that he is occupying a position that is unworthy of him and of the destiny which beckoned to him. He might have led on this Commonwealth. His people would have gone with him. He could have harmonized sections, and looked upon a happy and united people as the reward of his labors.

“I was about to employ the language once applied to Burke,

“Who, born for the universe,
Narrowed his mind,
And to party gave up what was
Meant for mankind.

“I must be permitted to express the deep regret which I have felt, that with the field wide before him, and with capacity to fill all its space, the gentleman from Fauquier has chosen to stand upon a section rather than upon the whole. I say this in no offensive sense. I mean simply that with my appreciation of the powers of that gentleman and of his position, it is with me a matter of the utmost regret to find him here, not only throwing himself against us in this controversy, but after it was over—after both the competing schemes had been thrown overboard by the Convention, instead of coming forward to pour the healing balm upon the wounds which had been left, he has indulged in a course of remark here well calculated to re-open them, and make them bleed afresh. That is not the road to conciliation

and to compromise. It is not the road for the attainment of an end worthy of Virginia, or worthy of him, one of her gifted sons.

"I fear that with him and with others it is yet a question of power. It is a struggle to retain dominion. I will not agree that it is a question of apprehension and fear that actuates you in this refusal to equalize political power. You have been so long accustomed to wield authority—so long has eastern Virginia held power in her own hands—that it is like death to give it up. It is reluctant to yield or divide a jewel so long possessed and gloated over.

"But I would remind gentlemen that they themselves have said that dominion must pass from them in a short time. Power, upon any principle, they say, is almost in sight to the western people. What is it then but a question of time? What is it but a question of delay?

"Aye, I know full well that but too seldom has it been that power ever relaxed its grasp. If you need an example, however, to stimulate you onward to the consummation of the great deed, there is one to which I can point you. It was reserved for Virginia to interrupt the unbroken record of historic precedent. She gave to the world a WASHINGTON, who, after he had cut his way to power and to empire, voluntarily yielded back that sword which, in his hands, might have been a sceptre, to the assembled representative of the American nation at Annapolis. (Applause.) Is Virginia incapable of emulating the example of her own illustrious son? Is there not virtue enough yet left to follow in his footsteps?

"What language can we employ in reference to that greatest, crowning act of his eventful life?

"How shall we rank thee on glory's page,
Thou more than soldier, and just less than sage?
All thou has been reflects less fame on thee,
Far less than all thou hast forborne to be.

"Do you desire to achieve true greatness for this old commonwealth? Do this act of justice, and add a new wreath to the chaplet which adorns her. Do it, and set for her a new star, the brightest of all that glitter in the diadem she wears. Show yourselves capable, even to your own hurt, of doing justice to others. Arouse yourselves in the strength which virtue and honor give; throw off all selfish reluctance in the act, and call the western people around the family board—bid them partake as brethren and as equals without reproach and without distrust. Say to them, 'you are no longer children or bondsmen. You have grown to the full stature of men and of freemen. We participate and we divide with you as equals what we have.' Do this, I repeat, and make a name for Virginia, before which other names shall pale and grow dim. Let the evidence of her greatness be found in the fact that she has conquered herself—that she has triumphed over her own prejudices—that she has voluntarily surrendered power which she might have retained, but which true greatness prompted her to give up. Do this, and mark a new epoch in the history of nations, and in the history of mankind." (Great Applause.)

CHAPTER XVI

JUDGE GEORGE W. SUMMERS—*Continued*

THE result of the Convention was practically free-man suffrage in Virginia, a great victory for Western Virginia, however marred by an unfair juggling of the basis of taxation in favor of Eastern Virginia. Conditions, however, were enormously changed. Western Virginia had increased tremendously in industrial development and had gained in political power and prestige.

In 1851 Judge Summers was nominated by his party for the office of Governor. The Democrats, appreciating his tremendous popularity in the West and in the Valley of Virginia, nominated Joseph F. Johnson, a western man who lived in Clarksburg, as their candidate. Johnson was an able, vigorous and popular man, but possessed none of the appealing elements which characterized Judge Summers. For the first time in the history of Virginia a candidate for governor made a popular contest for election before the people. Judge Summers made a campaign of great power for this position, which at that time was the most important state position in the United States. His campaign was characterized by wonderful appeals for justice and right to Western Virginia, and he set out in the most vigorous and eloquent manner the injustice which had been done Western Virginia and the Valley of Virginia in the past.

He was not an Abolitionist, but he was in favor of

the gradual emancipation of the slaves. This caused great criticism from the slave-holding portion of the state, where a tremendous appeal was made to cause a full vote of the Democratic party to be cast against him. He was defeated, not so much on political and party grounds as by the jealousy of the slave-holding interests of the eastern portion of the state. He came out of the campaign with a wonderfully enhanced reputation as an orator and statesman.

In 1852 he was elected Judge of the Kanawha Circuit and held the office for six years. During these important years from 1850 to 1860, there was beginning to be felt the swell in the land which produced the upheaval of 1860. The line of demarcation between the North and the South had become better defined. The question of slavery was more and more acute and had become more important with the decision of the Supreme Court. Slavery was being looked upon by the North as a moral question. The minds of men were filled with the thought of approaching trouble. On May 14, 1860, Judge Summers delivered an address at the first celebration of the Old Dominion Society of the State of New York on the anniversary of the settlement of Jamestown. A brief extract gives his views upon the slavery question and is a fair exposition of his mode of discussion.

"We ask our Northern brethren to remember that slavery with us differs from the ancient servitude of Judea, of Greece and Rome, and from the villanage of England and the serfdom of Russia. With us the subordinate race is cut off by caste. No change of legal status can change their actual condition. They could never be incorporated in the body politic, or

admitted to social equality. If they remained at all, it would be as slaves, or if permitted to remain as free negroes, they would be free in name only, but cut off from the privileges of freemen. We ask them to believe that there is as much humane public opinion extant with us as among themselves, and acknowledging the common depravity and sinfulness of our nature, we claim to be as sincere Christians as they. We beg of them to leave the fortunes and the fate of this race in the hands of those upon whom they have been devolved and to the good providence of that Being who has permitted the relation for wise and beneficent purposes, and who, caring for all his creatures, will either continue their dependence, or in His own time, and in His own way, open up for them a peaceful deliverance.

"I utterly deny that there is any 'irrepressible conflict' between the people or the state of this Union. The diversity of institutions, of climate and production, which exists among us, so far from being cause of dissension is the strongest bond of natural and reciprocal dependence. The adamant chains of interest would themselves hold us together, were there not still nobler ties to aid in uniting us. Why, we cannot cast our eyes upon the configuration of the country we inhabit, the course of its rivers, the position of its bays, lakes and mountains, without being impressed with the conviction that it was designed to be the homes of a great and united people. Why was it decreed that the Mississippi, having its source in a high northern latitude, should take its way southward, and, rolling its majestic flood through milder climes, should deliver its mighty tribute in the Gulf, almost under the tropics,

furnishing the single outlet to the ocean of the most fertile and expanded basin which the sun in his diurnal circuit shines upon and vivifies? Why was it ordained that its tributaries, flowing from remote head-springs on either side, and penetrating regions wholly dissimilar in soil and production, should themselves become the boundaries and ligaments of independent states upon their margin? Why were Virginia and Maryland indissolubly united by a common interest in the Potomac and the Chesapeake? Why Maryland and Pennsylvania by the Susquehanna, Pennsylvania and New Jersey by the Delaware, and New Jersey and New York by the Hudson and your noble bay? Where could the line of separation be drawn? Could Louisiana, Mississippi, Tennessee and Kentucky be cut off from Indiana, Illinois and Ohio? Could Virginia and Pennsylvania—the great center states of the Union, and united by so many memories—be sundered from each other? And where, in such a family disruption, would the Empire State take her position? Could she consent to be separated from the exporting states? Could she ignore the glorious recollections of the past? Could she forget that if it was a New Yorker who led the attack on the redoubt at Yorktown, it was a Virginian who headed the ‘forlorn hope’ at Stony Point, the key to the Highlands of the Hudson? Could she forget what we owe to the joint labors of her Hamilton and Jay, and our Madison? Or that it was here, in her great city, that Washington was installed the first President of the United States?

“A nation may have its birth amid the throes and convulsions of revolution, and spring into life at a

single bound, like the fabled origin of Minerva—or, planted in weakness and colonial dependence, we may be permitted to review the history of its growth and expansion, until, in the circle of years, it attains the strength and proportions of mature manhood. So, too, by the madness of ambition and power, a nation may be subdued and extinguished in a day; or the slower workings of corruption and misrule may preserve a miserable existence through centuries of decay, conducting to final and gradual extinction. But for a state in the prime of its vigor—in full possession of all the attributes of national vitality and perpetuity—having the duties of its rulers and the rights of its people defined and prescribed by a written constitution—without external pressure or violence, to come to sudden destruction by internal dismemberment, would be without historic precedent, as it would be without rule for appreciating the infinite infamy of the act, or its disastrous consequences. We are not destined to such a catastrophe. We may be subject to the ordinary mutations incident to moral existence, whether in the individual or in the aggregate. But this government was not formed to be destroyed in a day. Clouds have lowered upon our horizon and overspread the sky, but the star of faith has steadily held its place, and emitted its light through the gloom, and now the bow of promise and of hope spans the arch: I cherish the belief that this favored land is the appointed theater for an exhibition of human greatness, and of national power and duration hitherto unknown upon earth. I have already adverted to the admirable and peculiar structure of our government, and its nice adaptation to purposes

of safety and expansion. To this let it be added, that its operation has been, and will continue to be, upon the mingled product of the best populations of the world, brought together in presence of the grandest scenery and most sublime and imposing features of nature. The influence of admixture and of physical surroundings upon the development and character of races need not be argued. Everything points to a new and improved type of mankind. A new world, a new race formed to inhabit it, and a new species of government devised to rule it, would seem to imply design and a new destiny. Let us trust, then, that our future is to be happy and glorious—that the same Almighty hand which has hitherto guided and protected us, will continue to hold us in its keeping, and that when, in some far distant age, the historian shall come to recount the progress of our posterity, and to describe the condition of the multiplied millions who shall then occupy our places, he will be able to say that the stars and stripes still float over a free and united people, speaking the language of Shakespeare, Milton, and Burke, and of Webster, Calhoun and Clay, and vexed by no question of a doubtful paternity, proudly cherishing the memory of their origin in the colonies of Jamestown and Plymouth.”

The southern states seceded and created the confederacy at Montgomery. The Peace Conference met at Washington on the 6th of February, 1861, with Senator William C. Rives, Judge Summers and Ex-President Tyler as delegates from Virginia, and on the 18th of March reported back to the Legislature of that state. On February 4th, 1861, the Confederate Congress met at Montgomery. The

Virginia Convention to consider the question of secession met on the 13th day of February, 1861. Thus three great conventions, having in their hands the very life of the Republic, with diverse ends in view and diverse problems to be considered, all met within thirty days.

Judge Summers held a great place in the proceedings of the Peace Conference. His views are expressed in the opening words of his speech made fifteen days after the opening of the Convention.

"Mr. President, my heart is full! I cannot approach the great issues with which we are dealing with becoming coolness and deliberation! Sir, I love this Union. The man does not live who entertains a higher respect for this Government than I do. I know its history—I know how it was established. There is not an incident in its history that is not precious to me. I do not wish to survive its dissolution. My hand or voice was never raised against it. They never will be. The Union is as dear to me as to any living man; and it would be pleasant, indeed, if my mind today could be as free from fear and anxiety about it, as the minds of other gentlemen appear to be. But, Sir, I cannot shut my eyes to events which are daily transpiring among a people who are excited and anxious,—who are solicitous for—who will do as much to preserve their rights as any people. They must be calmed and quieted. It is useless now to tell them they have no cause for fear. They are looking to this Conference. This Conference must act. If it does not, I almost fear to contemplate the prospect that will open before us. . . . "

.

"If New England refuses to come to our aid, it will not alter my course or change my conviction. In no possible contingency which can now be foreseen shall these convictions be changed. *I will never give up the Union!* Clouds may hang over it, storms and tempest may assail it, the waves of dissolution may dash against it, but so far as my feeble hand can support it, that support shall be given to it while I live!

"When the dark days come over this Republic, and there is nothing in the future but gloom and despondency, I will do as Washington once said he would do in similar circumstances; I will gather the last handful of faithful men, carry them to the mountains of Western Virginia, and there set up the flag of the Union. It shall be defended there against all assailants until the friends of freedom and liberty from all parts of the civilized world shall rally around it, and again establish it in triumph and glory over every portion of a restored and united country."

The Peace Convention failed. Its plan was not adopted by Congress. Judge Summers with Dr. Spicer Patrick, represented Kanawha County in the Virginia Convention of February, 1861, sitting at Richmond. He there occupied the position of leader of the forces which were against the dissolution of the Union.

The chief burden of the support of the Union in the Convention was upon Judge Summers. Three reports were made upon the question before the people. The Convention was steadily for the Union against the most powerful influences that were ever brought to bear upon a body of men. Virginia, as a matter of fact, had always been the head of the

South, and was still the most potent influence south of Mason and Dixon's line. The delegates to the convention were played upon by every influence which could be brought to bear. The most distinguished delegates, the ablest orators, and the most influential citizens of the Southern states were brought before the Convention to lay before Virginia the cause of the seceded states.

Towards the last another convention, a so-called convention of the people, assembled and gave its influence towards secession. Everything provoked motion in the direction of secession, yet the Convention stood steadfast. Judge Summers was against disunion and secession, and advised concessions to bring about peace. He was opposed to force being used against the states which had seceded and believed that moral force and persuasion would bring them back to their old places in the Republic, while another influence was in favor of resistance within the Union, and the other division was for secession, pure and simple.

Judge Summers' speech against the resolution for secession lasted for two days and a half. It was easily one of the most magnificent speeches ever heard in Virginia. All the imagery of a mind deeply stored with historical fact, all the experience of a lifetime, the vast depths of patriotism, and the love and veneration for his country and the pathos of a soul contemplating her wreck and ruin, all the sublimity of the eloquence brought to his lips from the contemplation of these great questions so perplexing to that country and affecting her future, were poured out in the Convention in one grand stream. In a small way the chief points of his speech were recorded,

giving merely the framework of his argument, but its burning eloquence, its grand bursts of patriotism and its sublimity of utterance, expressing his love of Virginia, have been lost forever.

As illustrative of his views, he said:

“Mr. President, we talk about passing an Ordinance of Secession here, an ordinance for the immediate and separate secession of Virginia, in the condition of the public mind of the people of this State! Where would be the wisdom, the prudence of such a measure, if there was a majority in this Convention favorable to it?

“With the known thought and sentiments of the people of Virginia, I cannot believe that this Convention would, if it could, pass an ordinance of secession, and send it out to be voted down by a larger majority than that which registered itself in favor of a reference of the action of this Convention to a vote of the people, for ratification or rejection. The people of Virginia do not intend to accept and ratify an ordinance of secession until every effort has been exhausted to avoid it—until Virginia has performed her duty and her whole duty to herself and to the people of this country. If we pass this ordinance of secession before the consummation and exhaustion of all those efforts, and the performance of this whole duty we shall send it forth only to be overwhelmed by the waves of popular disapprobation and indignation; to be buried so deep in the ocean that not even a bubble will arise to the surface to point the place where it went down.

“Go on with your patriotic endeavors—make these efforts honestly, hopefully, fully and to the last, and when all has been exhausted, and when the people of

Virginia, as an enlightened and considerate people as they are, shall be satisfied in their heart of hearts, that there is no alternative, that we cannot and ought not to remain longer with the States to which we are now connected, then, Mr. President, and then only, the Commonwealth as a Commonwealth ought to speak and act will be united from center to circumference—united from the Roanoke to the Potomac, from the seashore to the Ohio.

“Sir, I warn you—I warn you as a Virginian—I warn you as a friend and brother, not to throw a fire-brand among the people of this Commonwealth. I speak freely; I speak as one of this family circle. I claim to have as large, as permanent, and as abiding a love and interest in this Commonwealth as any here. You shall not claim a higher niche for the glory and honor of Virginia than I claim. I love her as a child ought to love a mother; I never entertained a sentiment at war with the loyalty of a Virginian, or adverse to her peace, her interests or her glory. If I know my own heart—man sometimes is mistaken in himself—but if I know the sentiments of my own bosom, I would this moment, for the peace and honor, safety and glory of this old Commonwealth of ours, lay down this poor and worthless life as a cheap sacrifice for such a good.

“But I am here to demand and protect the rights of my people. I came here to speak as a free man, to deliberate as such; aye, and to deliberate and to speak boldly, uninfluenced by all and every extreme of pressure whether from within or without.”

On the third day he closed his great argument with this appeal to Virginians:

“And what is that best? I say, Mr. President,

just to let them alone. I would use no force. Force now is civil war, and with civil war, the bonds of our Union can never be renewed. I am happy to say that the news of this morning leaves no reasonable ground of doubt that a pacific policy has been wisely determined on at Washington, and that the troops in Fort Sumter are now or will soon be withdrawn. These States must be left to time, to their experiment, to negotiation, to entreaty, to sisterly kindness. That is my mode of treatment. Under its operation all may be well. The old affection will return—the memories of the past will incline us to each other—our joint struggles and joint triumphs, the hopes which clustered about our great experiment of free government and enlightened civilization, and which cannot be abandoned, and yet, more than all, a sense of common interest and common safety, will bring us together again, and our Union be more strongly cemented than ever.

“Virginia is master of her own position and of her own movement. She need fear no force around or about her. She is capable of taking care of herself, and of taking care, by her voice and her declarations, of the interests of her sister States to a very large degree.

“What then is her duty? Is she to plunge into an unknown future? Is she to rush into the arms of a Southern Confederacy, the structure of whose government she has not aided to erect, to take refuge in an edifice reared by other hands, and none of whose apartments may suit either her necessities or her convenience. Is she to hasten to a feast, where she may be, perchance, an unwelcome guest; a guest only and not an original member of the family? Is she

to go without knowing the desire of any one of the States bordering upon us, or whether they will accompany us? Is she to go in contravention of the express will of the great body of her own people? Are we to do this on the ground that we are afraid to stay in the Union longer? Are we to be shipped out of it by fear? Are we to become submissionists to the apprehensions, or to the ambition of politicians?

"Mr. President, let us erect ourselves to a higher posture. It delights me to gaze upon the lineaments of this noble old Commonwealth, impressed upon her in her early youth time, and never hitherto effaced. Grand, noble, deliberate, just, calm, wise—all these attributes she spreads out before us—she is now asked to break away from this sisterhood of States; to abandon all hope of ever reconstructing our once glorious Union, and to carry away with her the household gods of the nation—to depart with the remains of Washington in her soil, with Jefferson, and Henry, and Mason, and Madison and that long line of illustrious sons who aided in laying the foundations of this Commonwealth, deep and abiding in the principles of law and order. She is asked to carry these away and to weld them to the larger portion of this nation, foreign relics, to be visited and gazed on, perhaps, in after years, only at the price of some new crusade, waged in vindication of the right to look upon the shrine, not of him who shed his blood for the common salvation, but to visit the tomb of him who was the leader and conductor of his people in their great struggle which led them to a joint inheritance of independence and freedom.

"No, Mr. President, No! No! The duty of Virginia lies in another direction. It is hers to be

faithful when all others shall prove faithless; it is her duty, when all others shall forget duty, to stand by it to the last, and only to give up its performance when that performance shall become impossible. It is hers, Mr. President, not to fly from, but to stand by these monuments of her glory—the Constitution and the Union—constructed by herself more than by all others. If these monuments need repair, if they need retouching even, in their inscriptions, who has so much right as Virginia to lead the way in this remodeling and amendment? Let her call around her these sister States. I see that it is contemplated in the report of your committee to call a Conference at Frankfort. Let Virginia call to this Conference all the Slave States remaining in the Union. Let her there consult, devise, express her own opinion, consult the opinions and wishes of others—her daughters and her sisters—she will go there their equal and no more—not to dictate, but to commune. She will have her full share of influence—she should ask no more. As the elder sister of the Republic, with all her ancient glory, her honor and her services clustering around her, and which cannot be stripped from her, she invites her associates into council. Her past is safe; let not the error of the future dim the luster of her former greatness. The brave and powerful man is always a generous man. The position of Virginia is power—her voice when uttered, is decisive. She will not exert that power or speak the word to carry her out of the Union and involve the fate of her sisters. She will consult those sisters on every point of common interest, and on every scheme of common deliverance.

“Let her go there. Let her say that this adjust-

ment is satisfactory to her. Let her present it as her contribution to that consultation, subject to approval in whole, or to modification.

"The Frankfort Conference will, upon full consultation, agree upon the guarantees which will be satisfactory to the slave States now remaining in the Union, and will devise the plan of bringing them to the consideration of the other States. Let an appeal be made, not to the politicians, but to the people of the nation. What shall be agreed on there, will be accepted by the whole nation.

"And what further is the duty of this Convention? There is at this moment, Mr. President, a most oppressive, benumbing weight upon the hearts of the people of Virginia, your constituents and my constituents, and all the people of this Commonwealth. The great interests of this State are paralyzed. Capital seeks to hide itself from the passing storm. Labor goes unemployed. Property is depreciated. Everything is at a standstill. Why? Because of the uncertainty and dread of what is to come. This state of things ought not to continue. We ought to act, and act promptly, for the removal of the public anxiety. We ought, in the first place, to command peace on all sides. Then let us agree upon such plan of guarantees as will be satisfactory to Virginia. Call this border slave State Conference at Frankfort, or elsewhere, to deliberate upon it, and ascertain whether it is satisfactory to them, and adjourn over for that consultation. What more can you do? What more ought you to do? I would have you do a little more than that. I would have you to say by your action that all is not lost. I would have you, by your action, remove this fear and trepidation from the

minds and the hearts of our people. Say to them distinctly that the State is not to be precipitated; that she is doing her duty under the Constitution which our fathers made; that she is in the Union which they constructed, and expects to remain there. I would have this Convention so act as to send the husbandman forth merrily to his fields again, and bid him look forward with hope to a jocund harvest; renew the music of the hammer and the plane in your workshops, and start afresh the merchant and the man of commerce. I would unloose business and enterprise now locked up; locked up because of some unknown but anticipated danger. Shall we continue this state of things? No, Mr. President! Remove it. Say to the people in the city and in the country that Virginia knows her duty and will perform it; that she will perform it in her own time and in her own way. She is neither to be forced by outside or inside pressure to do wrong. If she is ever to leave this Union, she will leave it with no stain upon her justice, and with no remorse for duty unperformed. But she will not leave it. Let that announcement go forth, and, my word for it, that, like the wand which struck the rock in the wilderness, the waters of joy will gush forth throughout this Commonwealth. Business will revive; agriculture, commerce and manufactures will revive. Make it known that you intend to keep the peace and restore the Union—and that you are taking your own time and your own mode to accomplish it. Do it, Mr. President, and send a thrill of gladness throughout this State and over this broad land to animate every heart. Let it be known that however dark and lowering have been the clouds upon us, that they are breaking away; and that soon the bow of

promise and peace will span the whole heavens again."

It was the supreme effort of the Convention and it is practically lost. Only a short and garbled statement of his great argument has been preserved. This speech was in opposition to that of President Tyler, who had made his last public utterance in favor of secession.

By this time the situation was most tense. The Republic was then practically separated. Men were marching through the streets of Richmond and the Confederate flag bedecked hundreds of places. Citizens and politicians from the seceded states were filling the halls of the Convention with prayer that Virginia would join the Confederacy, and every possible influence was brought to bear to carry Virginia with the seceded states. Finally a call for the troops by the President precipitated the Virginia Convention into secession.

During this time President Lincoln had sent for Judge Summers to come to Washington to hold a conference with him for the purpose of settling Virginia's position without secession. It was recognized that Virginia's position and action were crucial to the life of the Republic. Mr. Seward insisted that Judge Summers be given a position on the Supreme Bench of the United States, and he was also considered for a place in the Cabinet. By reason of the situation prevailing in Virginia, neither of these propositions was considered by Judge Summers. As a matter of fact, he was ill and yet desired to go to Washington, but the friends of the Union in the Virginia Convention were afraid that if he left Richmond the resolution of secession would be

precipitated. For this reason he could not go, but sent in his place Colonel John B. Baldwin of Staunton. It was said that the President was willing to withdraw the troops from Sumter upon an arrangement with the Virginia Convention. This, however, was never communicated to the Convention, and from it arose the heated controversy between Colonel Baldwin and John Minor Botts.

The probabilities are that if Judge Summers had gone to Washington and discussed Virginia's position with the President, some arrangement might have been made by which the war at that time could have been averted and Virginia could have remained in the Republic. But in the providence of things, he was not able to go, and before long the great crash came which flung the Virginia Convention into the arms of the Confederacy.

On the eve preceding the vote which really settled the destiny of the Republic, the old Chamber of the House of Delegates, which had echoed to the tread of the great men of Virginia, which had been glorified by the eloquence and ennobled by the patriotism of Marshall, Madison, Monroe, Mason, Leigh and the Fathers of the State, and had been consecrated by the great ideals of Virginia in the formation and fructifying of the Republic, witnessed a scene which only occurs in the crises of the life of a people. The beautiful chamber on this spring day was pregnant with the vastness of what might happen to the Republic and to Virginia. Everywhere within its walls was that feeling which comes from we know not where, and which tells men by intuition that important and momentous things are about to occur. The slanting sun and soft airs of the April day filled every recess

of its sacred precincts. There sat Summers, Willey, Ferguson, Price and Johnson, Carlisle and Ben Wilson, Patrick and Caleb Boggess, Hayman and Hall Dent and Caperton, Clemons, and Hubbard, Brown and McGrew, Hoge and Burdette, Spurlock and Jackson, as well as Byrne, Tarr, and McComas, who had fought valiantly for the sealing of Virginia to the Republic, and who, amidst persuasion and threat and overt demonstration—resisting the moving eloquence of the most gifted men of the south—had stood like a wall of adamant against the destruction of the Government. And standing heart to heart with them for the preservation of Virginia's statehood were Williams C. Wickham of Henrico, afterwards loved of West Virginia for his great work in her development, who said that he "fought for Virginia not for secession"; together with Alexander Stuart, John B. Baldwin, George Baylor of Augusta, Dulaney of Fairfax, Conrad and James Marshall of Frederick, John Janney and John A. Carter of Loudoun, William White and H. D. Holliday of Norfolk, Samuel McDowell Moore of Rockbridge, and Grey and Lewis of Rockingham.

Tears were in the eyes and throbs were in the hearts of the Virginians who recognized that the critical hour had arrived. The venerable John Janney, President of the Convention, was presiding. It was reported that the delegates of Western Virginia, led by Summers, were to retire if the ordinance of secession was passed. Amid the anxious solicitude of the delegates, in a silence which could almost be heard, Henry A. Wise of Accomac, at that time the real leader of the forces of secession in the Convention, arose to his feet. A contemporary says that his

face was white and set and that his hair stood on end as if electrified. Facing George Summers, who sat to the right of the speaker with his own face as white as the wall of the room, he began his denunciation of those who would not follow Virginia to its dismemberment and the Republic to its disintegration. The great orator, filled with the ideals of Virginia, pointing to Summers as leading the forces which refused to go with the Confederacy, denounced him in a speech of tremendous power. His great voice arose and rumbled through the Chamber, reaching the vast multitude there who recognized the crisis in the life of the Republic. It was the prelude to the flowing of the blood of brothers in the internecine conflict, and every man there, whether from the Valley or from the mountains of Western Virginia, or from the Virginia shores by the tide, recognized this moment as the crisis. Pointing his long finger to George Summers, with all of his vivid eloquence and fire, Mr. Wise denounced him as a traitor to Virginia. President Tyler turned his back to the Presiding Officer and his face towards the orator; members sat with streaming eyes listening to these verbal drum beats which preluded the dissolution of the Republic.

When Mr. Wise had concluded, with pale face and flashing eyes and imperious gesture, Summers arose to speak for the defense of the integrity of Virginia and for the following of the ideals which had made her the Old Dominion and had given her the power to stand steadfast in the times needed for the welding together of this great Republic. With eloquence unparalleled in that Convention and which echoed and reechoed in the farthest extremities of the venerable hall, he appealed with glorious passion for the in-

tegrity of the Republic and for the preservation of the ideals of Old Virginia. Men sat with beating hearts and broken breath as the orator of the West, in the imperial plenitude of his eloquence and power, replied to the arguments of disunion and secession. Holding out his hands to the delegates, he pleaded as for his life for the integrity of the state, begged her to keep her proud place among her sisters as the chief jewel in the diadem of the states composing the Republic. It was the great and appealing speech of the session and touched the souls of Virginia's sons as had no other speech of the long Convention. At its conclusion the venerable president, with eyes unwiped of their tears, himself came down among the leaders of the Convention, and with uplifted hands pleaded for the integrity of Virginia. Men in every part of the Chamber arose amid excitement unparalleled even in that place which had witnessed such stirring scenes, and begged that the state be not dismembered. But these things were of no avail. Even the eloquence of Summers, which he had never himself equalled to that time, and which, alas, is lost forever, was powerless to stop the progress of the tide which was sweeping on to secession and to war. When the motion was put, one by one, all the members from the Tidewater, many from the Piedmont, some from the Valley, and two from Western Virginia registered their votes for the disruption of the Republic.

It is related that when the ordinance had passed and Virginia was no longer one of the sisterhood of the Republic, that the members from the West rose one by one and with them those who had opposed secession and unconsciously walked to the rotunda

and stood with tear-stricken faces and breaking hearts around the statue of Washington as if appealing to the majesty of his life and to the splendor of his accomplishment for help in the day of their trial. Without speaking, those men stood silent, grief-stricken, seeming to ask assistance from him whose splendid impersonification seemed to cast the ægis of his protecting hand around Virginia. When thinking on this scene of broken men looking up to Washington after the disruption of the Republic, I hark back to the days of the French Revolution when Petion, Valore, Brissot, LaSource, Vergniot, and those of the Gironde had done all that was possible, recognizing that no longer were they masters of France, went out of the Chamber, knowing that the time had come when amid blood and ruin and agony their Country was to be led to her destruction.

On that afternoon West Virginia was born.

CHAPTER XVII

M. E. INGALLS, JUDGE JOHN J. JACKSON, THE
BLENNERHASSETT CASE, GENERAL GOFF, JUDGE
FLEMING, FLEMING AND GOFF CONTEST, JOHN
BROWN, LOGAN C. BULLITT

THE Bar was the great factor in inaugurating and carrying to fruition the great industrial development of this state. It was passing progressive laws, constructing railroads and manufactories, organizing iron mills, drilling gas and oil wells, and developing the marvelous timber and coal of the state. The head of almost every great development in West Virginia was a member of it. The only exception was Henry G. Davis, but during his mature life he was associated as a partner with Stephen B. Elkins, who was a member of the Bar. Even in the great coal development, the formulation and controlling of its policies,—and, in many instances the management of its finance—had been largely carried out by the Bar. I wish I had time to write the romance of the industrial development of West Virginia. It is a wonderful story and I have put it aside for the quiet hour that every man hopes will come into his life.

The railroad development was almost exclusively inaugurated by members of the Bar, and what a romantic story it is. How one railroad was built by mere chance, how another was not built by an

equally small chance and how yet another one was constructed for other purposes than the profit from transportation.

As an illustration, the Ohio River Railroad had been built by Senator Camden and others. It was not a paying proposition and the owners were much interested in disposing of the railroad. Two of its largest owners were H. H. Rogers and C. M. Pratt. Mr. Rogers was a powerful man intellectually, as well as financially. He was thought by the world to be the dominating influence of the Standard Oil Company, and only second in financial importance to Mr. Rockefeller, though infinitely more important in his influence on the general affairs of the country.

Mr. Bedford, afterwards the president of the Standard Oil Company, was in active control of the Pratt Estate in West Virginia. The general manager of the Ohio River Railroad was C. M. Burt, a most interesting man. His was a wonderful career. He had been general manager of the Panama Railroad when it was in the midst of all the revolutions in and about Central America. He had engaged in a number of revolutions in San Salvator and Guatemala and in furnishing arms to the various organizations engaged in those revolutions. He was prosecuted in the case of the Itatta for furnishing munitions of war to the revolutionists. This was the *causa celebre* of that day. I was at the time the general solicitor of the Ohio River Road. Burt advised with me as to the best plan of disposing of the road, and after consideration with Mr. Bedford, a proposition was made to build a branch from New Martinsville to Clarksburg into the heart of the coal district of

middle West Virginia, the reserve coal region of the Baltimore & Ohio Railroad. That was a plain incursion into the territory of the Baltimore & Ohio, because with the extension of the Ohio River Road and one other connection, it made possible a northwestern connection to the Lakes. The Baltimore & Ohio, to prevent this, bought out the Ohio River Road at a pretty fair value and the people selling it made a good profit. That was the real reason for the building of the New Martinsville line and the sale of the Ohio River Road to the Baltimore & Ohio Railway.

To continue the story: Charles Pratt's Estate owned thirty thousand acres of land on Paint Creek in Kanawha County. It had been represented locally by William Seymour Edwards, who was a lawyer, but who gave his attention largely to state development. He was descended from Jonathan Edwards, who was the greatest progenitor of able men this country has ever seen. Edwards was obsessed with the idea of political influence, but he had no ability to control the voters. He had a remarkable knowledge of West Virginia, and was one of the great pioneers in the oil and gas development of southern and central portions of this state. In attempting to have the railway built by the Chesapeake and Ohio Railway through the land belonging to Pratt's Estate, he had consented to the drawing of a contract with that railroad, which gave it the right of way through the Pratt land without any corresponding agreement on its part to build its branch line. We were employed by the Pratts to get this situation in shape and to have them released from the right of way contract, in which Joe Chilton, then the counsel

for the Chesapeake & Ohio Railway, had overreached Edwards, who was then representing the Pratts. We immediately began operations, in council with Mr. Bedford, to work out this arrangement. Mr. J. Pierpont Morgan then controlled the Chesapeake & Ohio Railroad, and about everything else in the railroad world. Whilst there, on one occasion I, in company with Mr. Ingalls, who was the president of the Chesapeake & Ohio Railway, and president of the Big Four Railroad, went to see Mr. Morgan. Mr. Ingalls then represented to me all the power of money. Mr. Morgan was sitting in his room with a map on the side of his chair and spread over his lap. He had the thumb, forefinger and little finger of his right hand on his map. They evidently represented points on a line of a railroad. He kept his fingers and eyes fixed on those points on the map and never said a word. I do not think he spoke to us at all. He just nodded his head to Mr. Ingalls. Mr. Ingalls stated the proposition for the railroad, and I for the other side. We did not consume more than seven minutes. Mr. Morgan, still without taking his fingers off the map, said to Mr. Ingalls, "Ingalls, build that road or let them build it,"—and then became absorbed in his map and we went out. Here was a man who could in a half dozen words order another man (whom I had up to that time considered as possessing all power), to build a railroad. It was the first time I ever fully realized the power of money. Mr. Ingalls, the president of the Chesapeake & Ohio and the Big Four, in control of the southern part of the State of West Virginia, a kingdom so far as transportation was concerned, was ordered to build a railroad by a man who did not bid him the time of

day when he came in or bid him good-bye as he walked out, and who did not once take his fingers or his mind off the map he was studying.

This mention of Mr. Ingalls brings to my recollection another interesting occasion in which he figured. Just before the close of my term as Governor, when the hard-money people were preparing to nominate a man in opposition to Mr. Bryan in the Democratic Party, Mr. Ingalls, who was one of the chief mechanics of the hard-money business, sent a messenger to me to say he would like to see me on a very important matter and if it suited me he would be in Charleston two days after the messenger called upon me. He appointed eleven o'clock as the hour in which he would meet me at his car on a siding above Major Moulton's house on the South Side. He came by special train and I met him at his car as agreed. We had a most interesting discussion of the political situation and he sounded me as to my feelings concerning the Democratic nominee. We talked together for about two hours and he finally proffered me the Democratic Hard-Money nomination for Vice-president if I could be in accord with their views. I courteously and firmly expressed myself in regard to the hard-money platform and averred that I was a Democrat, pure and simple, and would support the regular nominee. He had plenary authority which was confirmed by a letter from Mr. W. C. Whitney to me. It was with me as to whether the ticket would have been Palmer and Buckner, or Palmer and MacCorkle. This is a little of the unpublished history of politics.

We were associated in this Railroad matter with Lewis Cass Ledyard, one of the distinguished law-

yers of the country. He and Mr. Bedford went to see Mr. Morgan and their interview concluded by going into the details of the building of the road. To build the Paint Creek railroad we purchased rights of way on Paint Creek over the most crucial points in the mountains, giving us an outlet to the Norfolk & Western Railroad over a low level grade road and to the sea at Norfolk. These rights of way were purchased by me and I also obtained an option for the sale to the Pratt interests of the Kanawha & Michigan Railroad, giving a lake outlet. The road was owned by Judge Stevenson Bruke, a lawyer in active practice. He was ninety years of age and was as bright and active as a man of one-half that age. He had vast knowledge of art and books, yet he was very eccentric, as was shown in the negotiations for the sale of the road. I stayed six days with him, in which we discussed everything in the Heavens above, the earth beneath and the waters under the earth, except the sale of the railroad. Excepting the first interview we never discussed the sale of the Kanawha & Michigan Railroad until the morning of the fifth day, when I had my usual daily interview with him concerning art and books, and I mentioned that I was leaving town that day. In fifteen minutes we closed the agreement for the sale of the Kanawha & Michigan Railroad to the interests I represented. The rights of way of Paint Creek through the mountains and the option of the Kanawha & Michigan Railroad gave us a Lake-to-the-Sea railroad across West Virginia, Virginia and Ohio. The option from the Kanawha & Michigan Railroad as things now go was sold practically for a song. These rights in powerful hands would have made a great

competitor for the Chesapeake & Ohio Railway. We had purchased them to force that railway to build our road, or we would have created a Lake-to-the-Sea railroad. Under the arrangement made with Mr. Morgan's house, against my advice, the rights of way on Paint Creek and the Kanawha & Michigan Railroad, our option being released, were sold to the Chesapeake & Ohio and several allied companies, thus doing away with my dream of a Lake-to-the-Sea route through the Kanawha Valley.

On the part of my clients, we made arrangements by which about twenty miles of railroad on Paint Creek was built, thus, for a mere bagatelle, giving up the magnificent project of a railroad from the Sea to the Lakes.

Some time after this, I met Mr. Rogers on Fifth Avenue in front of the Holland House. He was on his way to a dinner and was in his evening clothes. He beckoned to me to come across to him, and spoke of the opportunity to make a great system, as well as of what a mistake it was that the Pratt Estate gave up the Kanawha & Michigan and the rights of way we had purchased on the Paint Creek connection. I never heard a more vigorous summing up of the advantages of building a road through West Virginia, Virginia and Ohio to the Lakes, and a more lurid denunciation of what was done in the sale of our rights. It seems he had considered it from every standpoint. I informed him that I had no part in giving up the rights of way and the option of the Kanawha & Michigan, but being a lawyer without interest, I could do nothing. I do not know whether or not he was monetarily interested in the transaction with the Pratts.

In the Ohio River railroad deal, in order that Mr. Rogers and Mr. Bedford could have an authoritative and disinterested report on the coal of Central West Virginia, it was necessary for them to have the report of a practical coal man. I proposed the name of William N. Page, of Ansted, to Mr. Burt. Mr. Page was from the southern portion of the state and was not interested in the northern field. While he may have been acquainted before with Mr. Rogers, it was this suggestion that brought Mr. Rogers and Mr. Page in close position at the critical time of the sale of the Kanawha & Michigan Railroad and the rights of way through the Paint Creek region.

Mr. Page was a cousin of Thomas Nelson Page, and was thoroughly acquainted with West Virginia. He knew the topography and geography of West Virginia as the farmer knows a field, and he was able to paint the mountains with all the colors of the rainbow. Along with his descriptive powers, he was a thorough master of business. He was interested in a little road up Loup Creek which ran through to a large tract of land. With his ability to dress a situation so that it presented a beautiful scene, he persuaded Mr. Rogers to build up Loup Creek, over the mountains and across the Norfolk and Western down to the Chesapeake Bay. Generally it was the same route we had contemplated with the Paint Creek extension which I have portrayed. Mr. Rogers may have been influenced by the success of the New Martinsville branch and may have thought that the Loup Creek branch would work the same effect with the Chesapeake & Ohio as the New Martinsville road had wrought with the Baltimore and Ohio. It did not do so, and Mr. Rogers was

compelled to build the Virginian through to its full completion. At the beginning he did not contemplate this tremendous expenditure, but be that as it may, Mr. Page, from his own hand, persuaded Mr. Rogers to build the Virginian, and the inspiration for the great enterprise was our proposed road from the Lakes to the Sea via Paint Creek, by the Kanawha & Michigan Railroad. The Virginian road up to the present time is without a lake outlet.

This last defect could have been obviated by a great development that was accomplished by other members of the Bar. The citizens of Charleston had been greatly interested in the great Coal River Basin and had purchased land therein. My firm had invested heavily in the district and were alive to the importance of building a road there. General C. C. Watts gathered together some people and began the enterprise by building the road to the Upper Falls, a distance of about ten miles. Joe Chilton and I, in connection with Senator Sproul, who afterwards became Governor of the State of Pennsylvania, a very able man and wise financier, purchased the road at this point from General Watts. We extended it about forty miles. The Virginian had a very accessible route into the Coal River territory through rich country, and by using our road could have come out at St. Albans, right into the heart of things, instead of being on the mountains, with a dead western terminus.

Judge Nelse Campbell, of whom I have spoken, came to me to buy the Coal River road. I named the price, and the Judge, thinking that I was trading and would reduce the price, considered it at his leisure. In the meantime, George W. Stevens, Presi-

dent of the Chesapeake & Ohio Railway, and the astute director of its policies, came to see us to buy the road. I remember that it was a long transaction. Senator Sproul, Joe Chilton and I on our side were doing the trading, and Stevens alone represented the Chesapeake & Ohio. This was a long while ago and at that time the mint flourished mightily over at Sunrise, and there were other things there that are not there today. We were drinking mint juleps during the negotiations and on our side we were somewhat abstemious because the deal meant many thousands of dollars to us. I remember that Stevens, peace be to his ashes, concluded about midnight that he would not drink another mint julep unless Senator Sproul, Joe Chilton and I each drank one every time he indulged. We accommodated him until he gave us our price and bought the road. That cut the Virginian out of an outlet in the midst of business on the Kanawha River.

Railroads and great enterprises are the result of luck and chance as well as deeply laid plans. This is illustrated by the Little Kanawha road. Mr. J. F. Brown, some others and myself were greatly interested in the construction of the railroad through the Elk River Valley. The county and some private individuals had built the C. C. & S. to Clendenin. At that place it was taken over by Drake & Stratton, of Philadelphia and Pittsburgh, who had brought to completion many great enterprises. We conceived the idea of building a road from Clay Court House up the Elk River to about Gassaway and then to the waters of the Little Kanawha, thus connecting Charleston and Parkersburg by a direct route. This is through one of the richest territories

in the world. Drake & Stratton, the constructors of the C. C. & S., and I, met the authorities of the County of Wood in Parkersburg. The agent for the County was Judge J. M. Jackson, who wanted to build a belt line for that city, in connection with the Little Kanawha River Road. We went to Parkersburg with Messrs. Drake and Stratton and Mr. Malcolm Jackson to examine the situation, and chose a time when Judge Jackson was not there. We did this designedly so that Judge Jackson and Mr. Drake would not meet. The former was vigorously in favor of the belt line around Parkersburg to which the latter was as vigorously opposed. Each was choleric, intent on having his own way, and the Judge was the representative of the county. We knew that in time we could settle the matter with Judge Jackson, and we met in Parkersburg, closed out the transaction and Drake & Stratton wired for their outfits to come there immediately and begin construction of the road. They made all of their arrangements to that end. We had concluded the agreement with the authorities of Wood County without Judge Jackson's presence, and congratulated ourselves that the two men who were at diverse points in the transaction had not met. As we were leaving town and just getting on the train, we met Judge Jackson, who was getting off. "Well," he said, "what have you done?" Mr. Drake said, "We have agreed to build a railroad." Judge Jackson said, "Of course you will build a belt line." Drake replied, "Of course we will not build a belt line. We will build up the Kanawha." Then the two choleric old gentlemen had a vigorous disagreement on this immediate point and did away with the whole arrangement. Thus,

by a mere chance meeting, the railroad between Parkersburg and Charleston, of vast importance to the state and developing the connection between the Great Kanawha Valley and the Little Kanawha Valley has never been constructed.

Judge Monroe Jackson was on of a very picturesque and able family. His father was a prominent lawyer and a politician of the old school, and it was said that President Lincoln offered him the Federal Judgeship for the District of Western Virginia, but he had not accepted it, and designated his son, John Jay Jackson. This was a brother of Judge Monroe Jackson, about whom I have been writing. The three brothers were Jacob B. Jackson, a distinguished lawyer, who was afterwards Governor of West Virginia, Judge J. M. Jackson, who for thirty years was Judge of the Circuit and Criminal Courts of Wood County, afterwards elected to Congress, about whom we have been talking, and Judge John Jay Jackson, who for more than forty years was judge of the Federal District of West Virginia. They were very able men and splendid lawyers, but these recollections, have only to do with Judge John Jay Jackson, by reason of the many years he held court in Southern West Virginia.

Judge John Jay Jackson was for forty years on the bench of what is now the Southern and Northern Districts of West Virginia. While he lived in Parkersburg he spent by far the most important part of his official life in the southern part of West Virginia. The court at that day was held in Parkersburg, Martinsburg, Wheeling, Clarksburg and Charleston. Judge Jackson came on the bench at a very early period of his manhood. He was a typical Jack-

son, prejudiced, choleric, quick-tempered, loving his friends, hating his enemies, and withal a very able man, one of the ablest in the state in all of that distinguished period. He could hold his own with any of the great public men of that day from Virginia. On the stump he was considered one of the best speakers in this State or in Virginia, and in a day when men were measured by their forensic ability he was well able to cope with the giants of that period. I have heard the old men who have since gone, say, that in any of his debates he never met his superior. I knew him intimately, both in his private life and on the bench, and everywhere he was a picturesque figure. A hawk nose like an eagle's beak, blue eyes, deep-sunken and piercing, an arching forehead, a mouth thin and vigorous that snapped together like the bill of a bird of prey, a thin almost ascetic face, and a beautifully shaped head and long grey whiskers completed his make-up. The whole appearance of the man was Jacksonian. His very walk was arrogance itself, with the erect pose, the shoulders thrown back, and the alert step. His quick movements betokened the mental attitude of the whole man. The *ensemble* was wholly dictatorial, and any opinion which he formed was *the* opinion. When he was disinterested, and I mean by disinterested, when his prejudice was not aroused, he was a just judge. He handled the principles of the law as a boy would handle a ball, and his judgments were crisp and clear and splendidly expressed. When sometimes he was wrong, there was never any question of what he meant by his wrongness. When he would go far afield in his judgment of the case before him, which oftentimes he would do in the first dis-

cussion, by persistence of counsel he would ultimately hear the whole facts of the case, and then would willingly reverse himself. With his seemingly dictatorial manner, he was the kindest hearted man I have ever seen on the bench. He appeared hard at times, yet there never was a time when the pleading of innocence or weakness would not have an immediate effect on Judge Jackson. When a mother, a sweetheart, or a wife was affected by the trial of any person before him, it was almost sure that he would drift to that side of the case and would hammer the prosecution right and left.

I remember once that General Watts and I were before him in a vigorously contested case with General Goff, who was then District Attorney. General Goff was prosecuting a man at the Bar with all the zeal and vigor and ability that he possessed, which were great. General Watts and I were conducting the defense. The prisoner had sitting with him his young wife. She never opened her mouth but sat by her husband, white and still, with a dumb pleading look in her eyes. Judge Jackson called me to the bench with that imperious earnestness which characterized him. Leaning down, he said, "MacCorkle, who is that woman down there?" I replied, "She is the wife of the prisoner." He said, "She is a good woman, isn't she? She appears to be." I said, "Judge, she is. She has stuck to him and he was brought to jail within six months after he married her. I have helped her and Peebles the jailor has helped her. She is too proud to say anything about her poverty, but I think she is pretty hard put to live. I don't think she has even had enough to eat of late." I went back to the Bar and we went on with

the trial. In a few minutes it was apparent from his rulings that the Judge thought the man innocent and General Goff leaned over to me and said, "What did you say to him? He is going to acquit that man and he is as guilty as any man I ever tried." The Judge did acquit him and it was purely on account of his sympathy for the wife. That was the chief trouble with Judge Jackson. He frequently espoused one side or the other of a case, but his sympathy and kindness of heart nearly always conspired to make him take the merciful view. I was actively engaged in his court and I was sometimes distressed at him when things did not come my way, and thought sometimes that he did wrong, but after the mellowness of the years has come, and upon reflection, I believe that if there was ever with him any transgression of the letter of the law that the Angel of Mercy has long ago wiped it out with her tears.

Judge Jackson's disposition is illustrated by what happened in the court at Charleston. A woman who was a persistent and pestiferous rumseller, without license of course, and who had made a vigorous fight against conviction, appeared in court for sentence with a little baby on her lap and a general look of poverty and sorrow and despair about her. The Judge looked her over and said, "Have you got a home?" "No sir." "Have you got other children besides that one?" "Yessir." "How old is that child?" "Four months." General Goff's idea was to send her to jail for ninety days or six months and break up the whiskey business in that community, but Judge Jackson said, "Well, on account of that baby, I will fine you one hundred dollars, and I will suspend

the fine until you misbehave again. Now, go home and behave yourself."

That day and the next day two other women appeared before him. As a matter of fact the whole community had been selling liquor and when the women appeared for sentence at intervals, they each had a baby on their lap. It transpired that the first one, seeing how she had gotten off by reason of Judge Jackson's kind-heartedness and his weakness for children, had passed the baby on to the other women when they were sentenced, and they got light sentences because of it. General Goff found it out and vigorously asked for a re-sentence. I remember the old Judge's remark, "Well, Goff," he said, "When women as hard up as they are and as wretched as they appear to be, trading their babies that way, they oughtn't to be put in prison. The sentences stand." None of the sentences were ever enforced.

Judge Jackson was a common law lawyer par excellence and knew all the intricacies of the common law pleading. Like the majority of Federal Judges, he was prejudiced in favor of the Government, and he enlarged the boundaries of the law to find a pretext for the removal of a case to the Federal Court, but when there, if his prejudices did not unknowingly interfere, he was a clear, and able, and conscientious judge, and his decrees were according to the law of the land.

Having great jurisdiction, he was somewhat arrogant in his views, and a lawyer whom he did not like had but short shift. For a long time the only appeal from him was directly to the Supreme Court of the United States. Therefore, in those days, only in

exceptional instances was ever an appeal taken and naturally, with the years, he waxed more intolerant of opposition. He ruled his court with a rod of iron, and a jury that gave a decision unpleasant to him was summarily dismissed. His court was conducted with the utmost formality. Everything was prompt. When he called the docket it was with the whole Bar in presence. He did not like anything slipshod about his court. In opening the court he preserved all of the old time formalities. He required the constant presence of the District Attorney, the Clerk and the Marshal. Nothing was done by deputy, and that of itself impressed the people with the power of the Court. I would say he went to the limit in extending the power of the Federal Court at a time when that was the trend of the Federal Courts throughout the United States. Withal, he was a learned, merciful judge, and when eminent lawyers from elsewhere came here in the trial of important cases which arose in this jurisdiction, he impressed them all with his knowledge of the law and his great executive ability. With all his arrogance and loud talking, he was as kindly as a child and oftentimes when he had sentenced a man and he had no chance to help him otherwise, he would take the last dollar out of his pocket and give it to the man or his dependents.

Judge Jackson did about as he pleased. I remember when he wanted the testimony of Devil Anse Hatfield and some of his adherents, in a land case. Anse was engaged in a terrible feud and Judge Jackson knew that if Anse and his people came out of their county they would be killed. Anse sent word that he would come if he was allowed to protect

himself, that without arms he would be killed if he left his county. The Judge sent his armed Marshal to Anse's house to escort him to the court under the protection of the United States and he gave Hatfield and his friends the right to appear at the court with their Winchesters. The unique spectacle was presented of men sitting around the court room and walking on the streets armed to the teeth, ready to defend themselves with arms if they should be needed. Anse was protected both by his Winchesters and by the Marshal and the promise of the Court; and in the Court, and in the streets, you could see tall, quiet, thin-lipped, determined men, carrying the most approved Winchesters and the latest revolvers. I saw one of his adherents set his gun near him in the corner of the courtroom within reaching distance and go on the stand and give his testimony, and step over and get his Winchester when his testimony was finished. After he had left the stand there was some controversy as to what he had said, he was recalled and gave his testimony with his loaded Winchester between his knees.

Judge Jackson was most tenacious of life, exulted in his iron physique and his ability to do a vast deal of work, and in his mental agility in getting at the crucial points of a cause and abstracting the core, setting it in a few words. He possessed that ability to a marked degree. Knowing his vitality and his vast love of life, we who knew him were immensely amused when anyone made an inappropriate remark to him.

When the Circuit was divided, it was for political reasons only, but the reason given was that Judge Jackson was not able any longer by reason of his age

to do the work, the Bar gave him a great banquet in the City of Charleston. His speech was a very wonderful one and I regret it was not preserved. It was a résumé of the life of the Bar for nearly fifty years by a man who knew it as scarcely anyone else did. I was presiding, I remember, and it was in the period of all night sessions and other things. Judge Jackson was introduced at midnight, and until 2:30 o'clock A.M., it was a stream of reminiscence, wit, humor, and experiences of the Bar for a half century. This was done without any showing of fatigue, a continuing sparkling array of interesting things about the Bar during the most interesting period of its existence in our state.

When it was over, one of the guests approached Judge Jackson and said "Judge Jackson, that was a great speech. Just think of you speaking for two hours and a half, and you with one foot in the grave." Judge Jackson looked at him a moment and then turned his back. We immediately comforted the unlucky brother, who had a case pending before Judge Jackson in the upper district, by telling him to have his clients get another lawyer.

Judge Jackson calls to mind one of the most important and most momentous trials ever had in the United States, the trial at Richmond of Herman Blennerhassett and Aaron Burr for treason. Blennerhassett was a citizen of Virginia and his home was on Blennerhassett Island in Virginia, now West Virginia. This trial was a determined conflict between the Republican and Federal parties. In this trial Chief Justice Marshall destroyed the doctrine of constructive treason. He discontinued the trial against Blennerhassett and Burr for treason, but

you would do it in to the
 down by Mr. Backus from
 my 6.00 which I dipped
 at Mr. Backus to satisfy you
 upon this point. And add a
 further charge for a sheep
 of mine which after having
 been wounded by Mr. Backus
 in the morning was killed
 by Mr. Backus and depen-
 ded by him. I
 do not know your
 behavior respecting some
 sheep-stead boys and but
 I am sure which I cannot keep
 longer in my family.
 I do not leave that over
 to offer again the opportunity
 to you.

for your wife
 remain Dear Mr. Backus
 - your friend
 H. Backus

March 30. 1899
 P. S. Mr. Backus will see
 the balance on our side
 to and which I request
 may be sent me by
 mail. - H. Backus

LETTER AND SIGNATURE OF BLENNERHASSETT

(From collection at Sunrise.)

continued it as a misdemeanor. The overt act had its beginning at Blennerhassett's island, a beautiful island situated in the Ohio River about three miles below Judge Jackson's home at Parkersburg. There was always much mystery about what were Aaron Burr's real designs. Whenever I see the beautiful wooded island lying like a gem on the clear waters of the Ohio River, the mystery surrounding that expedition which not even a great trial could expose, always fills my mind with interest. Forty years ago I asked Judge Jackson what Aaron Burr's real object was. Judge Jackson was born in 1826, and before he grew to manhood there were still some people alive who were actually in that expedition. Around the neighborhood of the happening generally the truth remains. In the last quarter of a century many letters and diaries and diplomatic letters have been found which for various reasons were not available at that time. Judge Jackson thought Aaron Burr had originally started out with some idea of the dismemberment of the south-western territories from the United States, if it could be accomplished. Before making any overt act he carefully felt out the ground by personal investigation. This investigation had not been propitious. The people of the south-west, while giving him a great personal ovation, were at heart devoted to the United States, although very determined against the Spanish. The immediate object then of Burr's hurried and unprepared expedition from Blennerhassett Island was intended to be an attack upon the Spanish powers, and if possible, get in some of the South Western States, although none of the details were arranged. The southwestern and Mississippi Valley people were at that time in a

condition of mind to go to war with Spain. The people generally of both the Mississippi and Ohio Valleys were actually preparing for war. Governor Jackson of Tennessee had issued a proclamation to that effect. Burr, like Hamilton, had always been obsessed with a desire for a military career, and a flamboyant affair with Mexico would have been the thing needed by him at the time. If successful, it would have restored his credit, which was at a low ebb, and repleted his exhausted exchequer and brought him back as a conquering hero. At the same time, he had a large grant called the Bastrop grant of eight hundred thousand acres, which was on the Wichita river, and with him were a number of adventurers to develop that property. His expedition was ill prepared and the people whom he had relied upon did not come and those who actually joined were without experience, money or arms. It was practically untrained and unorganized and was mainly composed of boys or very young men. Papers, letters and documents which have been utilized in the last twenty-five years establish generally that Mexico was his first object, and if successful in that the more important and sinister expedition would have eventuated. The Bastrop grant was his public excuse. Judge Jackson's view has been confirmed by the latest researches and investigations.

In West Virginia we are more interested in the lives of Blennerhassett and his wife than in Burr's transaction. Until Burr came Blennerhassett lived an ideal life on his island. He had built a beautiful home surrounded by every comfort and convenience, and his house was filled with beautiful things. His sentimental moods were played upon by this con-

summate master of intrigue, and he agreed to Burr's schemes without knowing what they were, and ruined himself by lending money to Burr and advancing the money for the expedition and subsequent trial. By reason of this, all was lost and his fortune was ruined. His beautiful property on the island was destroyed and dissipated. Afterwards the island and the furniture were sold for debt and the house, after being utilized as a store house, was destroyed by fire.

At Sunrise I have his portfolio which held his private papers and his corner cupboard in which he kept his liquors, and many other things from the Blennerhassett house. While he purchased property in one of the southern states and lived on it for a number of years, he never recovered from the result of this affair and both he and his wife died in abject penury. The Blennerhassetts were accomplished and gentle people and to those passing the beautiful island which was their home, they are an object of sentimental and romantic interest even to this day.

Could I be excused for mentioning the other *causa celebre* of West Virginia? This was the trial of John Brown for the raid which precipitated the Civil War between the states. It is not generally known that after 1840 when bankruptcy had overtaken him that Brown proposed to come to West Virginia and make this his home. Boyd Stutler, the indefatigable student of West Virginia history, says that Brown's attention was directed to West Virginia and he proposed to come here and make his home, and that Oberlin College had a large tract of land in Doddridge and Tyler counties, which Brown visited in 1840, making a careful investigation of the tract. He was so well pleased with it that he wrote his

family he had seen the spot where "If it be the Will of Providence I hope one day to live with my family." This tract was on Big Run, now Doddridge County. His real purpose was to spread the doctrine of abolition of slavery. His land proposition miscarried and he did not make his home in Western Virginia. Mr. Stutler I think is in error when he says that the photograph published by him in his book is the only one of Brown with a beard. I have one which I have had for a long time in which he has a luxuriant beard. I publish it and also one of a letter from him to his wife. This is a cryptic letter and I have the translation of it. The two calves refer to two slaves.

I also have among my papers at Sunrise, an old yellow letter written to Judge Parker, the Judge who tried John Brown, by Andrew Hunter, who as prosecuting attorney of Jefferson County prosecuted Brown and assisted in convicting him. This letter which has heretofore been unpublished, throws light on the number of people who were in the raid.

CHARLESTOWN, Feb. 15th, 1860.

R. PARKER, ESQ.,

DEAR JUDGE:

Our term is nearly at an end and I fear you will find we have done very little besides disposing of the prisoners. It was soon found, that in consequence of the length of time required to try the criminals (Harlett's case consumed five days), it was vain to attempt the trial of jury cases, and it was abandoned. The chancery cases prevent the trial of jury cases, and it was abandoned.

The chancery cases were generally not ready. The weather very bad, and the judge indisposed to take hold of any very heavy cases. Hence we will have done very little, except the reference and disposing of some comparatively plain cases.

As to Harlett's case, the proof was far stronger and more



BLANNERHASSETT CORNER CUPBOARD

(Collection at Sunrise.)!

conclusive than I suspected. He was fully identified by thirteen witnesses, and only a little less so by four or five others,—and in what he said, when receiving his sentence, he virtually admitted that he was at Harper's Ferry on the day of Brown's raid. He is beyond doubt the real, guilty Harlett. I do not know certainly whether an application will be made for a writ of error in either of the cases. If so, I do not think the Court of Appeals will have any difficulty. Three separate indictments were found against each of them. The conspiracy indictments being divided into three counts. Advising slaves, conspiring with slaves, and conspiring with certain persons to induce slaves, &c. Stevens was tried on three counts, Harlett on the three counts.

As to the question of numbers, we proved substantially by Williams, the bridge keeper, that when seen by him, entirely free from alarm or excitement, there were between seventy-five and a hundred of them. Mr. Dangerfield proved that in the morning, Brown told him, he expected twelve hundred there before noon, and that he had sent out thirty-five or forty of his men to bring them in, and that there were not less than three hundred thousand in the United States in secretly sworn league to carry out the work of liberating the slaves of the South.

We further proved that Coppoc in the case with Harlett, stated in the presence of several of the witnesses, that he understood the people of H. Ferry had sent to Charlestown for aid, but by the time this had reached the Ferry they also would also have reinforcements.

Phelps also again reiterated his testimony that he saw at least one hundred of Brown's part at the Ferry. I haven't a shadow of doubt on my mind, that the number with Brown, or near at hand, was largely more than the twenty-two or twenty-three accounted for.

The jail is now well managed as far as I can see, and is well guarded. Both Avis and Campbell seem disposed now to follow my advice implicitly.

Very truly,

Your own Sir,

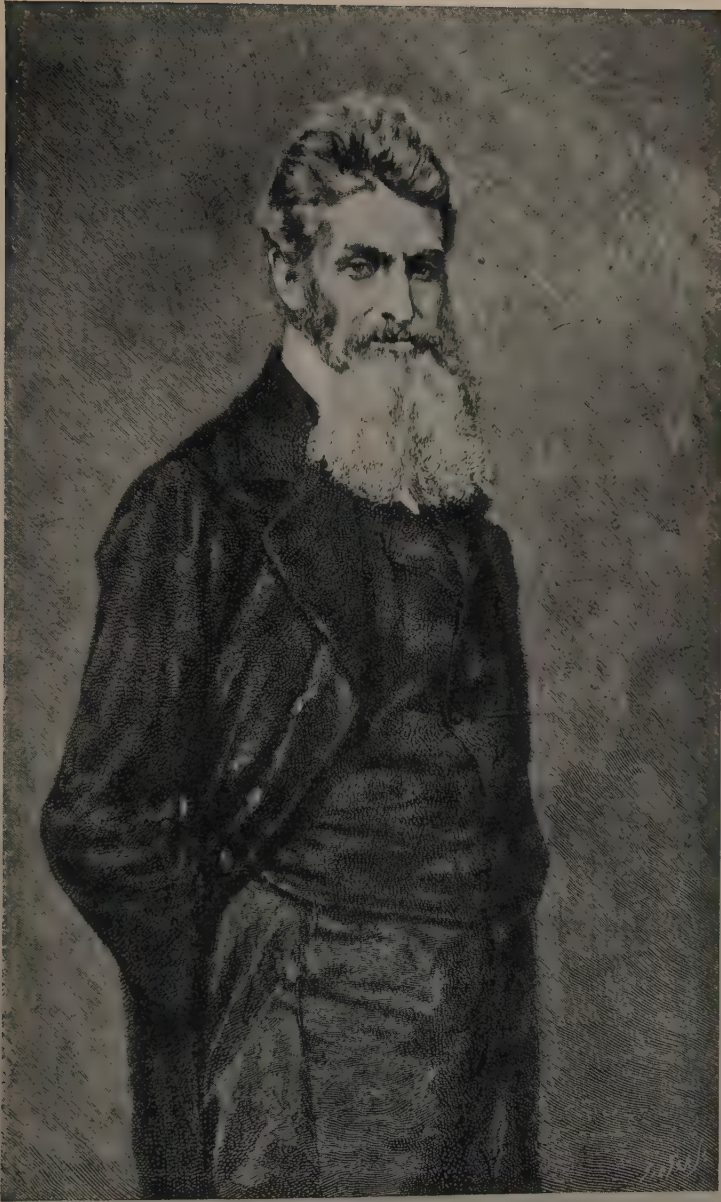
ANDREW HUNTER.

P.S. As usual, the newspaper statements about the trials are full of blunders and altogether unreliable.

I have at Sunrise some interesting mementoes of Brown. Among others are the three commissions of Judge Parker, who presided at the trial, one signed by Governor Floyd, one by Governor Johnson, and the other by Governor Pierpont, the latter the governor of re-organized Virginia. I have the glass and the pitcher which Brown used in his trial, and also two of the pikes intended to be used in the insurrection. I have also the gavel which was used by the judge during his trial. It was the old gavel which was used for forty years by judges of that Court. I reproduce them here as an interesting exhibit of this momentous period.

Judge Jackson was fortunate in the personnel of his court officials, particularly as to his district attorney. General Goff was considered at the time one of the ablest and most effective district attorneys in the Federal service. He did not fall beneath the splendid group of men I am attempting to describe and with whom he had his day. He was the youngest of the generals of the Union Army in active service, and being young in years in comparison with those who strove with him for the Union, he arrived at the maturity of his strength and influence long after they were retrograding because of age. This gave him an immense advantage. He had all of their influence, the majority of them were too elderly in years to conflict with his youth and ambition, and thus he had the large field to himself. His professional life was mostly spent in Southern West Virginia and he is justly included in these reminiscences.

In those days West Virginia furnished one-third of the infractions of the Revenue law in the United States, and these came under General Goff's cogni-



FROM A PHOTOGRAPH.

John Brown

(From a photograph of a woodcut at Sunrise.)

zance. At one term of Court, I remember, there were nine hundred and twenty indictments, before the Grand Jury, which were in and about the making and selling of whiskey. There were at that period no assistant district attorneys. He managed the grand jury, wrote the indictments, marshalled the witnesses and tried the cases. He had a remarkable memory for all these factors. There were no cases in which he was not familiar with every witness. Every case was gone over three days before it was tried, the witnesses all personally interrogated, and thus knowing the case, he tried it without hitch or trouble.

General Goff was Fortune's favorite. Through a life of the most varied description the fickle Goddess never deserted him. He was captured by the Confederate Army and they threatened to have him shot as a reprisal for some men who were threatened with death by the Union Army. He wrote to President Lincoln from his prison that he should make no concession by reason of his peril. That made him a national figure. In his younger days, he was one of the handsomest men I ever saw, always immaculately dressed, clean-shaven, with clear-cut features, bright and glowing eyes, and with lips that were touched with a perennial smile. Yet this smile covered a man who could be adamant in carrying out his intentions and fixed as steel as to his purpose. He was one of the best lawyers of that remarkable period. With one exception he was the only man about whom I ever heard Judge Ferguson speak in praise, as to ability at law. Judge Ferguson and I were sitting at the Bar waiting for the termination of a case. It was tightly contested between Mr. Edward B. Knight and General Goff, and Judge Ferguson

remarked to me, "Goff is one of the best lawyers in this country," and when Mr. Knight brilliantly countered an attack of General Goff, Judge Ferguson remarked, "Yes, they are both among the ablest lawyers in this country."

General Goff was particularly able in the management and presentment of a case at Bar. He deployed his witnesses carefully, made his attacks strategically, and was never at a loss when his lines had failed. He excelled in attack. Yet, that was not his whole power. He was an able, discriminating, deeply read lawyer, but the ease, and I might say, the elegance, with which he tried his cases took away the appearance of his deep knowledge.

He was the head of the Republican Party of West Virginia in the eighties and in the nineties. For twenty-five years he *was* the Republican Party in West Virginia. He conducted a hopeless fight, seemingly, against the Democratic Party. I would make what seems to be an extravagant statement, that two out of the three ablest men in the discussion of the doctrine of protection, the Shibboleth of the Republican Party during that period, came from West Virginia. The three most effective advocates of protection that I have ever heard were Benjamin Harrison, of Indiana, George C. Sturgiss, and General Nathan Goff of West Virginia. General Goff was more oratorical, and with a great audience was more immediately effective than either of these other able men, but all three were the hard men to whom, in my opinion, the Democrats had to make an answer on that question. I say this after having heard Presidents McKinley and Garfield, John Dalzell, Thomas B. Reid, James G. Blaine, Joseph B. Foraker

Troy, New York 28th Sept 1850

Dear Mary

Since I left I have thought it would best suit my purpose to have the two youngest Bull Calves put to sucking the old Cow that has no knobs on her horns, & to have the Boys take an old poor Bess, and grind one of the Shovels sharp so that they ^{can} chop up Airta Bagg in it fine, & feed her so that she will do very well by two Calves; or by One if either are sold & have the other Calves all weaned. The Boys will need to wash, & grease the teats of the old large Baged Cow, carefully so that they can milk her without quarreling with her. I think if Owen had not left before this reaches you; that he would do well to take his young deer along, with a determination to sell it at some rate. Perhaps he might do so in Connecticut

Your Affectionate Husband
John Brown

JOHN BROWN LETTER AND SIGNATURE

(From original at Sunrise.)

and John Sherman. These were among the mightiest of the high priests of protection, and I believe that General Goff, before a mixed audience, was more effective than any one of them. I have heard all of them and heard them maturely and at their best. The Senator Goff whom the latter generation knew during his senatorial term was not the General who fought out, in West Virginia for the Republican Party, all of the greatest battles for the Republican theory of government. He was lucky in every way, even Providence at times seemed to favor him. I was beginning then to take a hand in politics and one day General Goff handed me a newspaper and said, "MacCorkle, you had better take warning by that newspaper, because something always happens to men who oppose me," and he showed me the obituaries of two men who had been his most relentless enemies.

General Goff combined elements that do not often occur in one man. He was an able, direct and far-seeing business man, and at the same time a learned and discriminating lawyer, and with all of that, one of the most pleasing orators in the country. There was but one man he did not like to meet—Henry S. Walker. I saw him play a trick on Walker that amused everybody exceedingly. At a great barbecue where he had but a few friends and Walker had a great many, the country being Democratic, he was to speak and Walker was to answer him. I was always fond of him and he told me as I met him, "I am going to have some fun out of Walker today." I will say in passing that Walker was the greatest stump speaker in all my experience. He delighted in skinning and scalping his opponents, and no man

in West Virginia equalled him in his ability to pour vitriol on the bare wound. General Goff had an hour and a quarter and Walker was to follow him in an hour and a half. I never heard such a skinning in my life. He flayed and jay-hawked and out-Walkered Walker at his best. People wondered at his giving Walker such a chance to reply, for in reply, Walker was dreadful. Walker would get up and walk in front of Goff, pull at his mustache, and with a great effort hold himself in check. Goff, as he got to the latter stages of his speech pitilessly piled it on Walker. The crowd that stood by him was filled with merriment but the Democrats were waiting for the terrible onslaught of Walker's reply. Goff finished with one avalanche of invective against Walker and one whirlwind of criticism of the Democratic Party. Then, as he finished, with a wave of his hand he said to Mr. Walker, "I regret sir, that I can't hear your reply, as I have to speak at Lewisburg at seven o'clock and I will be just able to get there." With that, he jumped into his carriage and was whirled away. The result can be imagined. Walker had stood under a fierce assault for an hour and a quarter, the most terrible fire I ever heard from a politician, and Goff, with a wave of his hand and a smile on his lips, had gone to another place, and Walker, without Goff in front of him, could not make an effective reply. So the former during the hour and one-half allotted to him, because of Goff's absence, was never able to get to himself.

Goff was a candidate for Governor in 1888. He was forced against his will by his party to run. He was entertaining forlorn hopes, for the most part, in his early life. His opponent was Judge A. B. Flem-

THE COMMONWEALTH OF VIRGINIA,

To all to whom these Presents shall come, Greeting:

Know Ye: That in accordance with the election of a Judge for the *Thirteenth* Judicial Circuit by the voters thereof, our Governor doth hereby commission *Richard Parker* Esquire to be JUDGE of that Circuit; who shall hold his office for the term of eight years commencing the first day of July 1852, unless sooner removed in the manner prescribed by the Constitution, and during his continuance in office shall reside in the Circuit of which he is Judge.

IN TESTIMONY WHEREOF, These our letters are sealed with the lesser seal of the Commonwealth and made patent.

WITNESS, JOSEPH JOHNSON, Esquire, our said Governor, at Richmond, this *19th* day of *June* A. D. 1852 and in the *76th* year of the Commonwealth.

J^o Johnson

If you will be pleased to call upon me, as soon as your convenience will permit, at my office in Water Street, near the Lutheran Church, or at least to write to me, as to the above mentioned claims - you will oblige

The Commission and Signature of Judge Richard Parker, who tried John Brown.

Your obt servant
Richard Parker.

THE SIGNATURE AND COMMISSION OF JUDGE PARKER WHO PRESIDED AT THE TRIAL OF JOHN BROWN

(From originals at Sunrise.)

ing, Judge of the Marion District, who was very able, though not a showy man. Judge Fleming was one of the best judges in the state, and was highly respected by everyone, but he was not cut out for the terrific fire of the stumping campaigns of those days. He had not been raised to it. The campaign that Goff made was an exceedingly brilliant one. Fleming made a solid, able, substantial campaign, full of argument, but he had not been before the people of the state as had Goff and was for that reason at a disadvantage. The campaign was one of the bitterest that I have known. West Virginia was changing very rapidly in the personnel of its citizens. The older citizens who had controlled the state, during the war and before, were rapidly dying, and those coming on after them were not able to exercise the same power in the state in politics as their fathers did. The state had begun to be developed as a great timber and coal state and the vast majority of men who were in large businesses were coal and timber and oil people from Pennsylvania, Ohio, Indiana, and Illinois. They were almost universally Republican, and Goff made much of the protective theory and its practical application in this campaign. Judge Fleming made a powerful defensive fight, and Goff in the election of 1888 won on the face of the returns by four or five hundred votes, the first time, since its reorganization, after the war, that the Republican Party had carried the state. There was great bitterness. Fleming charged fraud, and the matter finally came before the Legislature for decision. The Legislature was two or three Democratic. W. E. Chilton and I began the recount in Kanawha County for Governor Fleming, and so much feeling was there

that the Republicans put a man to watch the ballots and the Democrats a man to watch the Republicans. The man who was watching the ballots for the Democrats was John D. White, and John Slack, Jr., was acting for the Republicans. They were both old hands in the politics of Kanawha County and knew every trick of the trade. They knew every precinct and every vote in all the precincts. There was nothing about the game that those two men did not know and it was reported that they exercised to the full all of their experience and skill in that election. One day when the count was on and the Democrats gained from one precinct a substantial increase, John Slack, the Republican watcher, saw by this all the fat offices of the state disappearing into the hungry maw of the Democrats, but his professional admiration for the way he supposed it was done got the better of his political loss, and looking over at John D. White, whom he knew intimately, and who was kin to him, and yet a strenuous Democrat, he, after a moment or two, said, "John, it was an old hand," and John White, after he had reflected sufficiently as to the brilliancy of the performance, replied to him, "Yes, John it surely was."

The result was that Goff's majority of four or five hundred votes was nearly done away with by the testimony before the Legislature. The Legislature, as I said, was about three Democratic, and the feeling at that time was evidenced by what old Uncle Aaron Morgan, a unique character, and for a long time the Democratic representative from Wetzel County, said to me. He met me on the street and I asked him something about some testimony and he said, "Mac, what's the use of taking any testimony; ain't Fleming



JOHN BROWN PIKE WITH BROKEN HANDLE, AND PITCHER AND DRINKING GLASS USED BY JOHN BROWN
AT HIS TRIAL, AND GAVEL USED BY JUDGE PARKER AT TRIAL

(From collection at Sunrise.)

our nominee?" That pretty well exemplified the feeling on both sides. The results were a whirlwind of political unrest. On the 4th day of March, 1888, it looked as if we were going to have a great personal contest. Governor Wilson claimed he should occupy the office of Governor while the testimony was taken and the case settled and his successor qualified. It was rumored that General Goff, at the head of a great number of his adherents, armed, proposed to take the office on the 4th day of March. The Democrats were fully as determined that he should not take it, and armed men were placed all over the building. To show how bitter was the feeling, sixteen men were placed in the vaults in the Governor's office with loaded rifles. Three or four hundred of Goff's friends were there armed, and it looked like a clash, where many men would be killed, but better counsel prevailed. General Goff counselled moderation on the part of his followers. He came to the Governor's office attended only by a few of his adherents and the Democrats refused to allow the great mass of his followers, who were already there, access to the building. He contented himself with simply making a legal demand for his office, to which he claimed he had been elected. Governor Wilson replied that under the law he would legally hold the office until his successor was duly qualified and that he would wait for the action of the Supreme Court and the Legislature. This counsel prevailed. R. S. Carr, who was President of the Senate and claimed the position *ad interim* under the Constitution, also agreed to submit to the Supreme Court. The Supreme Court allowed Wilson's contention and continued him in office until his successor was

qualified. Thus was averted a conflict where much blood would have been shed, because there was as much feeling as I have ever seen evinced, in a political contest.

My candidacy for the office of Governor grew out of this contest. As we are discussing persons and the sidelights on the issues of that day, the circumstances are interesting. William E. Chilton, afterwards Senator, and I, had inaugurated for Governor Fleming the contest in Kanawha County. We were intimately acquainted with the details of politics of the state of that day and contrary to the opinion of almost everybody we came to the conclusion that Fleming, on the returns, was defeated. The count of the votes were late in coming to the Capitol. Chilton and I thought that Goff on the face of the returns had been elected. Anyhow, against the judgment of the old heads and in the face of their opposition, we began the contest in Kanawha County by a demand for the recount of the ballots and placed ourselves on record within the time allowed for an inspection of the ballots. I devoted myself particularly to the machinery of the work in and about the question of fraud in the election and the miscount of the ballots by the commissioners. After much hard labor it was developed that Chilton and I were right, that Fleming on the face of the returns was defeated, and our action in Kanawha County saved his election as far as the votes for this county were concerned.

In the meantime, the Legislature had convened and amidst great feeling, a contest was staged. Goff on the face of the returns was elected by four or five hundred votes. Fleming contested his

election and charged fraud and miscount in Kanawha, Wettel, McDowell and Nicholas counties. So far as I now remember these were the principal counties. During this time while the fight was going ahead in Kanawha County the counsel for the contest in the Legislature were appointed,—we who were doing and had done the real work without Judge Fleming's knowledge were cavalierly left out and other people for political effect were placed in charge. Our work had seemingly been finished in the opinion of these self appointed managers after they had got the complete record of our unpaid-for and disinterested work.

I resented this action for other than professional reasons. I had made the speech nominating Judge Fleming in the State Convention and had allied myself with his people in giving him strength. Chilton, whose friends from Kanawha County and the surrounding counties of the old Third District, had furnished one hundred and forty votes at the critical time in his nomination in the Convention. His opponent, Judge James Morrow, a most distinguished citizen, was much loved by the Southern element in the Democratic Party and he had championed our cause when he was on the Bench. When the Republicans were trampling under foot the rights of the Democrats by reason of their one-sided legislation, he had put a Republican registrar in jail. We naturally wanted to support him. Henry S. Walker, always a formidable opponent, was attempting to nominate Judge Morrow. He made a great fight for him in the County and State Conventions against our County organization, the latter of which was controlled by Chilton. Chilton, always possessing

more political acumen than I, did not openly resent this action of the Committee. I did, and I made the fight and made political enemies who never left me while they lived. While the fight for the Governorship was on, the contest for the Senatorship was also before the Legislature.

Every element of discord had been stirred up. The Republicans particularly were sore because they thought that they were being bereft of their first victory in the state for many years. The Democrats were more resentful, if possible, than the Republicans for they believed the Republicans had slipped up on them and by the use of money and other unfair means were attempting to get control of the state government. The Republicans carrying the state would really make a revolution in its affairs. The contest waged furiously during the year of 1889. Evidence was taken, arguments were made, extra sessions of the Legislature were held, bribery was charged and charges and counter-charges of every kind were made, and the utmost political activity and excitement was evinced. So, it dragged on, with Governor Wilson occupying the chair until January of 1890, with the joint session in convention.

All this time I had no intercourse whatever with the people in charge of the contest. I had been dismissed summarily. One day, late in January, 1890, Henry S. Walker appeared in my office. He was the chief factor in my undoing. He at that time was my personal enemy. He walked to my desk, looked me in the face, and said, "Are you willing to let your personal feelings rise above your political tradition? Are you ready, because you have been personally badly treated, to see the Democratic

Party defeated?" I said, "Before I reply to your questions, I want to know what you mean by asking them." He replied, "The contest for Governor is now narrowed down to two votes and it seems in the whirligig of events that you are the only man who can influence one of them." I asked him to be more explicit. He replied, "There is a delegate who is a Democrat, but who we understand intends to vote against Fleming, and for Goff. That man I understand is interested with a friend of yours in some very large interests and you are the only man in the state that has access to that one man." I said, "Who do you mean?" He said, "Azal Ford, one of the members of the House, intends to vote for Goff. He has been elected as a Democrat, has been counted with us and he is not satisfied with the testimony. We think he is wrong, but, be that as it may, he is going to vote for Goff and this practically leaves it as a stand-off and most probably a defeat. I understand that one of your close friends, Mr. J. C. Bullett, a Democrat, in Philadelphia, is largely interested with Ford and would have the influence necessary to hold him in line. Now, will you forget that which has been done to you and go to see that man. The vote is almost upon us, and will you get his influence to obtain this vote for Fleming?" I considered a moment and Walker continued, "The vote will be taken day after tomorrow and you will just have time to go to Philadelphia and get back here in time by a close call." I considered for a few minutes. I then informed him I would go to Philadelphia and see my old friend and college mate, J. C. Bullett, and get him to come here. Bullett was a member of the old and distinguished family of that name of Virginia

and Kentucky. I went to Philadelphia on the evening train, arriving there at 10 o'clock in the morning, and went to Bullett's office. As I went into the office, a splendid, handsome woman walked in with me. She said, "Do you want to see Mr. Bullett?" I said "I do." She walked into Mr. Bullett's office with me and said "This is Mr. Bullett." To my surprise and amazement I saw at once that Mr. Walker had made a mistake. The man who was pointed out as Mr. Bullett was a perfect stranger, not Josh Bullett, my friend, or anything like him. I immediately said, "I expected to see Josh Bullett." The gentleman said, "I am L. C. Bullett; Josh C. Bullett is a cousin of mine and is not interested in the Norfolk & Western properties. You have evidently made a mistake. I am the Mr. Bullett who is in charge of the coal properties on the Norfolk & Western Railroad."

Then I was in a quandary. I was there to ask a confidential service of a man I never saw before and did not know what were his politics or anything about him. I saw then to go boldly at him was my only chance. To do so might imperil the situation, not to do so, was plain ruin, because Ford intended to vote for Goff. That was certain. After having introduced myself and told where I was from, I said to the gentleman, "I want you to go to West Virginia and assist in saving that state for the Democratic Party." He said, "I don't understand, sir." Then I went into somewhat of an explanation, the lady still standing by. It eventuated in the gentleman, while perfectly polite and courteous, saying he was not a politician, that he would not have any influence with Mr. Ford, and he did not care

to interfere with something that was none of his business and ended by practically asking a discontinuance of the conversation. Then the lady joined in the conversation. She was Mr. Bullett's wife. She said, "Mr. Bullett, I know Mr. MacCorkle's people. They are an old Virginia family and I am a southern woman myself, and a southern Democrat, and I know he would not come here to make a request of you that was not dignified. I am a Democrat, and I want him to have a hearing, and I want you to go to West Virginia with him." That gave me courage, for with a beautiful woman aiding his suit a man can do anything. I sat down with her and Mr. Bullett and talked it out, and that evening at seven o'clock I left for West Virginia with both of them accompanying me. We arrived at Charleston the next day at twelve o'clock. I found Walker at the depot. He informed me that the joint session was meeting and that they were ready to vote and only by some motion or another was the vote being put off, that with Ford voting against them, and he had freely expressed himself, the contest would be declared against us. We were hustled into the carriage. We hurried to the State House and found they were ready to vote. Amidst intense excitement, Bullett and his wife walked over to Ford, and a motion was made under some pretext or another for two or three days adjournment. It was voted upon, Ford voting against the adjournment as I remember at the time. Bullett during this adjournment prevailed upon Ford and he changed his attitude and voted for Fleming. The Fleming resolution was put through by two votes, the other one of which was obtained between the time I came

from Philadelphia with Mr. Bullett and his wife, and the time of the final voting.

Now, this is a little romance which was under the great machinery of the Joint Convention. By a mistake in the identity of a man and by the action of a southern woman, Fleming was made Governor and Goff was defeated. These are the facts, and the record, I suppose, will show the adjournment until the time of the final vote. My recollection was that the vote finally stood forty-three for Fleming and forty for Goff, and Ford's vote was vital to the result. By reason of this woman's splendid assistance the state was held by the Democrats for eight years longer. My friends knew the facts, and though I do not know whether this has been published or not, it is what happened.

These sidelights make history. I am writing these reminiscences from the angle at which I saw the events, not from that which is on the Legislative record, and known to other men. Some other man will write his reminiscences from his own peculiar view point, another will do the same. Some historian will take the views of all these men and will give you the real view point of political history in the state. The digest will make real history. This is a reminiscence of a most important state action and a delineation of the underlying and unknown facts, which were the real reasons for the results which were seemingly attained through the ponderous and solemn machinery of legislative action.

CHAPTER XVIII

STEPHEN B. ELKINS. HENRY G. DAVIS. W. M. O.
DAWSON. JOHN J. DAVIS. JOHNSON N. CAMDEN.
RANDOLPH TUCKER. GOVERNOR ROBERT TAYLOR.
JUDGE SAMUEL WOODS. WILLIAM E. CHILTON.
JUDGES HENRY AND JOHN BRANNON. HENRY S.
WALKER.

AFTER the termination of this contest General Goff remained in the House with his real ambition ungratified. So far he had held undisputed sway in the Republican Party in this state. George W. Atkinson, afterwards governor, was largely his campaign manager. Atkinson carried out the details for him and was likewise a strong man and very popular with the people.

About this time a new figure appeared on the field—a man, in many respects, one of the ablest in the history of West Virginia, Stephen Benton Elkins. He represented New Mexico in the House of Representatives, as a delegate. He transferred his life interests to West Virginia, married the daughter of Henry G. Davis, and became interested with him in the great coal properties, and railroads, which were then being constructed in the northeastern portion of the state. He began gradually to contend with Goff in the Republican party and the latter soon understood he had a vigorous rival for the leadership of the party.

Elkins, equally as rich as Goff, and as genial and active, lacked one element possessed by the other,—he was not nearly so fine an orator. Withal, he was a vigorous speaker, plain in his utterances, though thoroughly and classically educated. The people generally believed that he was a plain man and nothing but a vigorous money maker. That is wrong. He was a thoroughly educated and cultivated man. He read the classics and knew them well, and beautiful poetry thrilled and interested him as much as a business enterprise. But so large was the magnitude of his business that people did not notice his understrain of culture. I allude to this because the contrary has been the impression about Senator Elkins.

There was a great deal in Goff and Elkins that was similar. They both did things with a big hand, both were transferred English barons and Elkins gave the hospitality of his home with a lavish hand. Elkins had a number of quaint sayings that he habitually made use of, for instance; "A rich man never whistles," or, "When you are feeding a hog plenty he never looks up," the last in support of his argument that to have good times was to help the Republican Party, for the Democrats were too busy making money to fight. I was once making a speech with him in Chicago before a great audience and I noticed his legs trembling and shaking. I afterwards asked him what caused it. He said that he was scared to death. He reminded me in this particular of Marshal Turrene, the great French general, who was a physical coward. Turrene was going into battle one day and he saw his legs shaking beneath him. He looked down at them and said to them, "Shake,

damn you, shake. If you knew where I was going to take you today, you would shake more than that." That was Elkins exactly.

Elkins began to contend with General Goff for the control of the Republican Party. Goff reached the apex of his popularity in his candidacy for Governor against Fleming, a position which he did not want. Elkins was Secretary of War in Harrison's Cabinet, and laid his plans for the United States Senatorship. To that end he gave his attention to the machinery of party politics and he was a master organizer in every department of life, in politics, as well as in great business enterprises. I would say that Elkins was the ablest organizer of political matters that we ever had in the state. There were men his equal and superior to him in detailed organization, but none in directing control of the whole organization. With all his wealth and business interests he was a very simple man. He came from the same county in Missouri in which I lived and he resided within five miles of the town where I lived. His people were Confederates, and his father was a colonel in the Southern Army, his brother being killed while serving in that army. It was always reported that Elkins had been in the Southern army, but this I do not know to be correct.

Elkins feared Goff, his popularity, his oratorical ability, and set to work to displace him. Goff had been Secretary of the Navy under Hayes, but had come back to the practice of the law and was reappointed District Attorney, afterwards serving two or three terms in Congress in the lower House. His objective was the Senate. The governorship was repeatedly forced on him by his party. Elkins, as I say, turned his attention to seeing that Goff's plans

for the Senate were not carried out, and he himself became a candidate for the Senate. Goff was easily the strongest man in the Republican party before the people. Elkins and his friends knew that fact. In order to make clear his way, Elkins' section of the Republican Party addressed themselves to the displacing of General Goff, who had always been a lawyer and his predilections were with the law and who, to the surprise of everyone, was offered—and accepted—the appointment to the Circuit Bench of the United States.

This effectually displaced Goff in the political view of the people and gave Elkins an unlimited field in the management of the Republican Party in West Virginia. He placed the party in a position it had never occupied in this state. To that end the Republican Party was absolutely put in leading strings, and was thoroughly organized by Elkins. Every magisterial district, town, city and county was detailed and listed. He had complete control. The Republican Congressional delegation from West Virginia was known in West Virginia and in Washington as "Elkins' Orphans." He employed William M. O. Dawson, afterwards governor, to do the detailed political work of the state.

I may be allowed to discuss in a few words at this place this man who arose afterwards to great eminence in the state. Dawson was a very able man. He was the most finished detail politician excepting one, that West Virginia has ever produced. He was totally unlike Goff and Elkins, who had been managing the state. He was not good-looking, not particularly a good speaker and cared nothing for the graces of approach to the people. He was an intellectuality.

He was the first professional politician I ever knew. Elkins provided the finances and laid out the general policy of the party and Dawson had the details at his finger's end. He was well aware what elements were to be placated and which were to be summarily dealt with. He and Elkins made a complete map of the politics of the state. The latter had perfect confidence in Dawson's ability and Dawson never broke that confidence by his failure to get to the people. He had wonderful talent about getting around and doing his work without being seen. In all things he looked to one conclusion and that was to getting the votes in the ballot box on the day of election. He was honest personally notwithstanding the vast sums we Democrats charged were passing through his hands from the National Committee, of which Elkins was a prominent member. Dawson was a czar in politics and the men beneath him had to do as he said or be crushed ruthlessly out of political life. He and Elkins practically controlled the Republican Party in this state. Both were Presbyterians, which was unusual, as the Republican Party had nearly always been controlled by members of the Northern Methodist Church, which, next to the Catholic Church, is the finest organized body in the world. I was looking over some letters recently in an old scrap book and I ran across a letter from him dated October 8th, 1900, written when he was chairman of the Republican Committee. We had accused him of making up the rolls of the House of Delegates and that in doing so he did not distinguish between his duties as Secretary of State and his avocation as chairman of the Republican Executive Committee. He had charge of the certificates of election and Chilton and I had made

a most vigorous onslaught on his methods of making up the rolls. I was a candidate for the House of Delegates in Kanawha County and that year we had a campaign of imperialism against the Republican Party. We were exceedingly severe on him as the State Chairman. He got hold of a speech that I had made before the Chamber of Commerce in the City of Newark, New Jersey, and published it as a Republican campaign document. He had a great sense of humor under a quiet exterior, and while he and I were personally fond of each other, the letters following were a quiet dig at me in answer to the campaign which we had just been waging against him, and in which I am sorry to say he was victorious.

Here is his letter.

REPUBLICAN STATE COMMITTEE

PARKERSBURG, WEST VIRGINIA,
October 8, 1900.

HON. W. A. MACCORKLE,
Charleston, W. Virginia.

Dear Governor:

I have ordered copies of extracts from your imperialistic speech sent to you by this mail. It is a mighty good thing and I congratulate you upon putting it in our possession. We had 50,000 of them printed, and the demand for it is enormous all over the country. I think you ought to contribute something to us to pay for the printing and circulation of the speech, because it is making you a greater man than you were, or rather advertising your greatness. I expect to be back to Kanawha County immediately after the election, and then will make up the roll of the House of Delegates and Senate as usual.

Very truly yours,

WM. M. O. DAWSON,
Chairman.

In the meantime the election had taken place and I had not been elected for the Legislature. The following is another letter from Dawson:

STATE OF WEST VIRGINIA

OFFICE OF SECRETARY OF STATE

CHARLESTON

WM. M. O. DAWSON,
Secretary of State.
November 16, 1900.

HON. WM. A. MACCORKLE,
Charleston, W. Virginia.

Dear Governor:

After mature consideration of the election returns, I have determined not to place your name in the roll of the House of Delegates. I trust you will find some way to overlook this act of usurpation, but political and other necessity compels this action.

Very sincerely yours,

WM. M. O. DAWSON.

P.S.—Please excuse the American Flag on the envelop in which this is enclosed.

He showed his consummate ability in the management of party politics when he had followed President Roosevelt into the Bull Moose Party. He was chairman of that organization in this state, and his ability showed itself in his management of the Republican candidates so that the Bull Moose did not nominate candidates for the state offices but only for the county offices. Thus by his manipulation he was able to manage the Bull Moose party and at the same time allow the Republicans to hold the state offices.

This was the general status of political affairs in the

Republican Party in 1892. Goff was on the Circuit Bench; Elkins was in the saddle. The interests controlling the Democratic Party when I became a candidate for governor were few and very clearly segregated. On one side was the great Henry G. Davis interests which controlled the West Virginia Central and Pittsburgh Railroad and the territory surrounding it. They were closely allied with, but not owned by, the Baltimore and Ohio Railroad. Senator Davis, and those interested with him, in his deals, who were generally members of the United States Senate, had purchased lands at a low figure and had built a railroad through them, thus increasing their price enormously. He had been elected twice to the United States Senate, once by the independent vote and the next time by the Democratic vote. Mr. Davis was a very unusual man. He succeeded in the time when speech-making was a necessity, but he did not have the gift of speech-making. He was indefatigable in his energy and had a vast ability in the direction of finance. In the organizing element he controlled, and he occupied a great place in the Senate and controlled a large section of the state. He was a great citizen and always kept his hand on the politics of his section. To illustrate his ability, while he was of an old Maryland family, yet of small wealth, he had risen from the position of brakeman on the Baltimore and Ohio Railroad to the presidency of a railroad and the ownership of great interests in West Virginia and to a seat in the United States Senate. With him was that genius of the first order in the organization and control of politics as well as in industrial affairs, Stephen B. Elkins. Mr. Davis controlled the Democratic Party in the northeastern

portion of the state. In the central and in the western portion of the state the great industrial and political figure at that time was Johnson N. Camden.

Johnson N. Camden was at the time the industrial and political figure in West Virginia. He was another anomaly in politics. Like Henry G. Davis he was unable to make a speech. He had none of the elements of a popular man and unlike Davis, he was not popular in his approach to people, but he had a vast power of organization, both political and industrial. He lived in Parkersburg, where the first development of oil was made and he made a great deal of money from it. He had purchased lands and built railroads which had wonderfully increased in value and the value of the territory through which they were built. The criticism against Camden was that he was a rich man. He had an unfortunate experience in politics. He was nominated by the Democratic Convention in 1871 for governor, which Convention was bolted, and the Independents succeeded in electing John J. Jacobs to the governorship, thus defeating Camden in his cherished ambition. He had been elected to the Senate in 1881, but when it came to his re-election, the same condition of affairs existed as in the Convention. A number of Democrats bolted the caucus and refused to vote for him because of his alleged methods. He was defeated and Senator C. J. Faulkner was elected to his place. He was afterwards elected to the Senate when there was a vacancy through the death of John E. Kenna.

Senator Camden had built the Ohio River Road from Wheeling to Kenova and with the railroads which he controlled through the western and central portions of the state, he was well-nigh all powerful in

West Virginia. Johnson N. Camden and Henry G. Davis were the two most powerful figures in the upper and western and northeastern parts of the state. Both of them were Democrats and both of them were politicians. In the lower portion of the state, John E. Kenna had developed great political strength. He was a man totally different in his personality from the men I have described. He had not developed his financial ability but was a powerful orator and an accomplished lawyer and a political diplomat of the first order. He had been elected to the Senate and had filled the seat with immense credit to himself. He was of the first importance politically in the central and southern portions of the state. In the Eastern Panhandle Charles J. Faulkner and his brother Boyd were the great figures. They were not wealthy men but were accomplished lawyers and speakers. Boyd had been elected judge of the Circuit and had made a great contest for governor against E. W. Wilson, but was defeated for the nomination. Charles J. Faulkner, who had also been elected judge of his Circuit had succeeded Camden in the Senate and he had by his ability and high character in the Senate largely added to the prestige of his family. Charles J. Faulkner, his father, who was Minister to France, was an accomplished man and a distinguished diplomat.

The Bennetts, William and George, of Lewis County, were very strong and wealthy men in the central section of the state, and were very strong in Braxton, Gilmer, Harrison and Lewis Counties. They were both good lawyers, and William was judge of the Lewis Circuit when he was a candidate against me for governor.

In Lewis County there was a division of power between the Bennetts and the Brannons. The Brannons were both very able lawyers. I think that Judge John Brannon was the stronger all around lawyer of the two. Judge Henry Brannon, who occupied the same circuit and was afterwards member of the Supreme Court was the more learned lawyer. As a matter of fact he was one of the most learned lawyers that ever was in the state. Judge John Brannon was a very popular man, popular in his address on the hustings, popular with the Democratic Party and popular as a lawyer. As presiding officer he was one of the best that I have ever known. He had a very splendid personality, a good voice and a fine speaking presence. On one occasion, in a tumultuous state convention in Wheeling, when it looked as if the convention would break up in disorder he was the presiding officer but was out of the chair when the trouble began. I remember well when he came to the convention table and looked at the tumultuous scene before him. His eyes blazed, his figure stood erect until he looked a foot taller. He walked to the temporary chairman and took the gavel from his hand and his whole demeanor betokened high and righteous indignation so that the attention of every delegate in the convention was riveted upon him. Striking the gavel one blow upon the stand before him, his words ringing over that great convention with thunderous acclaim, he said: "The Democratic Party does things with decency and in order and I, as chairman of this Convention, will no longer tolerate such behavior." He said it with an air of a man who meant it and the Convention overawed by the character and dignity and utterance of the

chairman subsided into peace and order immediately.

Judge Henry Brannon did not have the forceful manner of Judge John Brannon. He could not have overawed that great convention, but he could have taken the convention in its quiet moments and tickled it to death by his wit and humor and learning. He was one of the best after-dinner speakers I have ever known. Withal, he was a great lawyer. One of the great lawyers of this country wanted to find out from me all about the personality of Judge Henry Brannon and remarked that he was the great authority on the 14th amendment. He was widely learned, disposed to be a little digressive and always entertaining both as a lawyer and a speech maker,—and an indefatigable student. He was what is not seen ordinarily in West Virginia lawyers. He was familiar with the classics, English, as well as the ancient. Thackeray was at his tongue's end; Dickens, Goldsmith and Chaucer, and the older writers of whom we of the present generation know nothing, were quoted as intimate friends by this lawyer. The Brannons, while older, divided the power in the Central part of the state with the Bennetts, but they did not extend their influence to the rest of the state as persistently as did the Bennetts.

John J. Davis, the father of John W. Davis, was another influential man in the central portion of the state, and the most powerful debater there during my time. He thought as accurately and quickly on his feet as any man whom I ever met. He was a Presbyterian elder, and brought all of his discussions into a consideration of the principles of right or wrong. A deadly enemy of organization in politics, as particu-

larly expressed by Henry G. Davis and J. N. Camden, he made open war upon them in every convention. Whilst he cared nothing about organizations in politics, he was very strong personally and had been elected to Congress and occupied a highly respectable position among the best men of that day. In the conventions of my day he was always very active and you could easily tell when he was speaking that he believed absolutely what he said. What was right with him was very right and what was wrong was the worst kind of wrong, and he made his contests along those lines. Of course, having convictions such as these, he was always in a fight. He had none of the diplomatic character possessed by his distinguished son, yet he possessed an equal amount of ability and was a powerful speaker. He made an issue of right or wrong, and won, or was defeated upon it. He had no idea of policy. He was one of the strong figures in the state and had a large following.

There was another powerful family in the central part of the state that demanded recognition. It was the Woods family of Barbour County. The father, Judge Samuel Woods, had been a vigorous politician all his life, was a fine lawyer, a most respected citizen, and was elected to the Supreme Court of Appeals. He had been a soldier in the Confederate Army. His two sons, Samuel V. Woods and J. Hop Woods, both followed in the elder's footsteps and were fine lawyers and very vigorous and telling public speakers. Each had an eye to politics and together they practically controlled Barbour County. They were in close sympathy at this time with the McGraw element, which had not yet gotten to be the powerful machine which it was in later days. Samuel

Woods, the son, was afterwards elected senator from that district and became president of the Senate while I was a member of the same. He was one of the finest presiding officers in the history of the Senate of West Virginia. When the elder Woods was nominated for the Supreme Bench by the Democratic Party I recall an incident in his campaign which is an illustration of the old truism of "whose ox is gored." I was making the campaign in Putnam County and found Major Snyder, a vigorous Democrat, opposing Judge Woods. At the time there was the alleged proposition that while Woods was in the Legislature he had offered a resolution or a bill proposing to confiscate the property of the Southern sympathizers, and for that reason Snyder, who was of a Southern family, was making a mighty fight against the Judge in his section of the state. I got hold of him and asked him what he meant by it and he told me he was a Southern man and any person who would make such a proposition to a Legislature was unfit to be a judge. I told him Woods never offered such a proposition to the Southern people, but he did offer a resolution in the Virginia Convention of 1860 that the property of the Union sympathizers should be confiscated. "Oh," said Snyder, "that is a different proposition. If that is the case I will support him heartily." The next thing I heard of Snyder was that he was vigorously supporting Judge Woods, who was elected and became a distinguished judge.

There was one other man who was to be reckoned with in every alignment of the political forces of the state; Henry S. Walker, of Charleston, whom I have mentioned. He had the faculty of planting a bander-

illo under his opponent's skin that stung and pained and rendered him well nigh crazy. There was never an expression that could wound, or a word that could trouble a man but what Walker could accentuate it and send it to him in public discourse in a way that added to the bitterness of acrimonious debate. He was a master of sarcasm. His training was in the days of the carpet bagger and of Republican Returning Boards, when there was no forgiveness on one side and no forgetfulness on the other. He grew up in the atmosphere of a brother's war. In all the lines of vituperation he was superior to any man of my time. As an illustration of his quickness on his feet, Walker was making a Democratic Speech in the old Opera House at Charleston, during the campaign between C. P. Snyder and Judge James H. Brown. Judge Brown's campaign committee had circulars printed and the boys came in the Opera House and during Walker's speech laid some of the circulars on his desk. He knew that it was some campaign matter and he stopped in his speech and picked it up and read it. The circular wound up as follows:

"We believe in a free ballot and a fair count." Walker then stopped his speech, and after reading the circular aloud, proceeded as follows: "My friends, whenever I hear a Republican talking about a free ballot and a fair count, it always reminds me of a conversation about hemp, in a family where there has been a hanging." Then he continued,—“In Kansas, historic Kansas, to this day the rebel immigrant soldier stands round the ballot box with his arms folded and his lips dumb, yet this state is under control of the party that believes in a free ballot and a fair count. In Rhode Island, Vermont and Con-

necticut, the Catholic to this day is disfranchised from voting on account of religion, yet all of these three states are under control of the party that believes in a free ballot and a fair count. Let us refer for a moment to the well rewarded Returning Board that counted in Rutherford B. Hayes over Samuel J. Tilden. All of them were rewarded, some of them have honor as their reward, but in all of these instances the Republican Party has built unto itself a living existing monument, standing sacred to the memory of a free ballot and a fair count."

The last was simply a diversion from the speech he was making at the time. He could rise to the heights of impassioned eloquence and thrill West Virginians as could no other man of his day. In my early days his speeches were quoted by the boys in the schools of the state as models of eloquence. One of the sentences which he used in one of his debates to rouse the audience still clings to my memory. He was speaking on the Fleck amendment. "Pass this resolution and the state is saved. Defeat it and the temple of liberty is already in flames and the faces of fifty thousand Republicans are growing radiant amidst the conflagration."

Walker was making a speech in Charleston in the same old Opera House, and he, in that speech, was referring to "reconstruction days," and called to mind, by name, the leading Democrats in almost every county in the state, referring to the fact that right after the Civil War they never failed to come to the polls and vote the Democratic ticket. He wound up by saying: "They came to the polls and voted their sentiments, like the gallant six hundred at the

battle of Balaklava, most of them without hope, all of them without fear."

He had been trained in the business of joint debate at a time when he carried his life in his hands. His method was to write out his speeches and correct them, and by the time he had done this, they were models of English. He knew every word by heart, and when the broadsides were thrown against an enemy they were terrible in their effect. He had been a newspaper man all his life and knew every turn in the careers of his opponents, so that in the midst of debates some slip, some oversight, some action by his opponent would be held up to withering scorn in public debate.

Walker was very apt in telling a political story, and I remember once in one of his speeches, during a campaign between himself and John E. Kenna for Congress, he was then affiliating with the "Greenback party." It seemed that Mr. Kenna had a short time before addressed a colored meeting, which was unusual in those days for a Democrat, out in what is now called the "triangle." Mr. Walker referred to that fact and said it reminded him of the story of the negro and the catfish down on the coast of Louisiana, saying that one morning a fisherman, walking along the beach, saw lying side by side a dead catfish of considerable size, and a dead colored man. He notified the authorities, and the coroner, after full investigation, brought in a verdict, in the following poetic language: "We havn't been able to decide, with all our facts and figerin', whether the nigger went a fishin' or the fish he went a niggerin'."

He had been peculiarly unsuccessful in his political life. He had been defeated by one vote for the

United States Senate while the whole sentiment of the people was for him. He had been defeated for Congress when he was the most popular man in the District. He was one of the powerful forces in West Virginia.

John T. McGraw arose to great prominence in the state about this time and afterwards. He was chairman of the State Committee at one time and also National Committeeman from West Virginia, and while he was for twenty-five years the fiercest opponent that we in the southern portion of the state had in the Democratic Party, I wish to render my tribute of respect to him, for he was a great Democrat. He was one of the best talkers that I have known and unquestionably one of the most resourceful leaders in West Virginia politics. He was clear-headed, with an immense amount of dash and nerve and had the daring to accomplish anything in politics. He was filled with magnetism and his friends were devoted to him. He spent money lavishly for the Democratic Party, money for which he never obtained credit with his party associates. For some years he absolutely controlled the party organization through the northern part of the state. He was strong in debate, full of resource, and bound his friends to him with hoops of steel, yet he was a careless politician. While he had a great grasp of the situation, yet he was careless in carrying out the details of the organization, which resulted badly for him and the party. Like many strong men he lacked the ability and inclination to care for details. He was unfortunate in his affairs towards the end. After a brilliant career of party management in which he was a candidate for the United States Senate and was

defeated, his eyesight failed him and the troubles incident to an overload of property brought an avalanche of troubles upon him in his old days, for which he had the warm sympathy of those who had bitterly opposed him in politics. I look back upon him as an active, vigorous, brilliant man, who had the good of the party at heart and his death was deeply deplored by his enemies as well as by his friends, for in it the state lost a progressive and farsighted citizen and the Democratic Party one of its most able leaders.

Then, again, in politics the railroads were a power in those days that had to be powerfully considered. They were more developed in politics than they are today. The Baltimore and Ohio through John A. Robinson, its able political manager, and through Ran Stalnaker, his astute assistant, had unequalled power in the Legislature and in the Conventions. I have known the Legislature to wait for a day on the election of a speaker because John A. Robinson had not returned to Charleston. The Chesapeake and Ohio and the Norfolk and Western had not then taken a vigorous hand in politics, although they were potent. There was developed in the central portion of the state, in Marion County, a great coal interest under the Watsons and Governor Fleming, which had always allied itself with the Democratic Party, and the Watsons were one of the great forces in the political affairs of West Virginia. C. W. Watson was afterwards elected to the United States Senate and occupied a great place in the political and financial affairs of the state.

At that time the railroads issued political passes to their agents which gave them tremendous powers in the Convention and in the Legislature. In addition

to the revolution that I have heretofore mentioned as to the change in the complexion of the political constituency, there was another great industrial and political change going on in the state. The men in the northern portion had been in control of West Virginia and all the affairs of the state for a number of years. The principal officials had long been elected from the upper portions, and the senators were almost entirely from that part of the state. This situation is explained by a speech by the writer nominating Senator Chilton for the United States Senate in the Democratic Caucus of 1906.

“Five hundred thousand people living in southern West Virginia demand that their great interests be represented by a place in the Senate of the United States. Every acre of land, every foot of timber, every ton of coal, every can of merchandise in this great section rests under the fear of unjust tribute, because this great and growing region has no friend in this high place to champion its interests. Speaking today for its busy workmen, its invested capital, growing manufactories, and splendid citizenship, I ask that you accord a member of the Senate to this section of your growing state. For seventeen years the occupants of this great position have been chosen from one section alone, and this portion of West Virginia, the most rapidly developing part of the state has suffered by reason of this discrimination. In the full belief that this great injustice will be righted and that this fair demand of southern West Virginia will be granted, I nominate for a seat in the Senate of the United States a gentleman, who, whilst doing full justice to this section will never forget his duty to his whole constituency, one who is in full and

complete touch with our great questions of state development and whose steps have been with the throbbing locomotive and whose soul glories in the splendor of the green fields, the energy of the mine and the shop, and the majestic progress of the state for which he has given his life and labor."

Just at this period the central and lower part of the state began its great development, its political development, as well as its physical development. The great coal interests of Kanawha and New River and the Norfolk & Western and the great industrial development, had not shown their strength in political and industrial affairs. This development had been attained by a vast increase in the population of the state and a great increase as well in wealth, so that at this time the southern portion of the state challenged the upper and central portions, both as to wealth and population and political power.

The political situation which I have described above indicated that the control of political affairs, especially in the Democratic Party at that date, were in the hands of a few leaders. A dozen or so of men in West Virginia could decide at one meeting who should be nominated, what and where conventions should be held and what the status of the things would be. There were a number of other able and powerful men in their respective sections throughout the state, but none of them had the concatenation and organized power that I have described in those above, or that I will hereafter mention.

The other concentrated interest was the organization which we, a group of younger men, had gotten together. It was an organization that had been formed under leaders who had been active in the work

for some years and were thoroughly acquainted with every section of the state. William E. Chilton, whatever can be said about him after forty years, was the ablest political chairman the Democratic Party ever had in the state. He occupied then largely the same relationship to the Democratic Party that William M. O. Dawson held in the Republican Party. Next in importance in the group was Joe Chilton, than whom I have known no stronger man in political foresight and management.

One of the strongest of this group was James A. Holley, of Lincoln County. He used direct and successful methods, was an organizer and a tireless workman, and was afterwards adjutant general of the state and mayor of Charleston. With him was Lewis Sweetland, of Lincoln County. The character of the latter is well exemplified by an occurrence which I witnessed at a great county convention at Hamlin over which he presided. It was all arranged the night before with machine-method and precision, and when he arose in the convention in the morning, with a carefully prepared typewritten speech—which began, "Gentlemen, I thank you for this unexpected honor,"—it was received as a matter of course without smile or comment.

The Beau Brummel of the organization was Stuart Walker, always well-dressed, always energetic and always efficient. When I think of him I am reminded of what occurred at Jefferson Davis' inauguration. The great orators had been massed to make the clearest and strongest presentation of the southern question. The manager of the inauguration ceremonies said, "I wish we had a man who could make a fifteen-minute speech and who could make it pop and

crack." Senator Mangan said to him, "I have the man and he can make the best fifteen-minute speech in the Confederacy." The man was sent for and in the ceremonies attending Jefferson Davis' inauguration he appeared, and from the time he began until the fifteen minutes were finished it was the crackling of small arms, the bursting of shells, the flaring of rockets, the firing of grape-shot and the explosion of big artillery. It was a speech, in which all the issues of the day were massed in one continuous and tremendous explosion. Stuart Walker was of that type. I know of no man in my acquaintance, wide as it is, who could make a better fifteen minute speech of any kind, on any subject and in any Convention.

From that section came Forest Brown, the prosecuting attorney of Jefferson County. He was a very able lawyer and for years had been one of the leaders, and taken all in all was the strong man in Jefferson County and one of the strong men of the state.

With these was Lawrence Tierney, strong, able and the only rich man in the combination. These were the men with whom I entered the campaign. They were the inner circle, and with them we agreed to attack the consecrated and concentrated powers, the great interests that controlled the state of West Virginia. It was a closely held organization, and more effective than any other, because each member had only one object in view. I began the campaign a year and a half before the Convention. It developed that the great interests were behind P. C. Eastham, a farmer, of Mason County. At that time the farmers were powerful in their various organiza-

tions. My other and principal opponent was Judge William Bennett of Weston, who belonged to the old and distinguished family of Bennetts. He held a monopoly of landed and political possessions in Gilmer and Braxton and Lewis counties. He was a strong man and was Circuit Judge of that district, which gave him potential influence. The campaign, as I say, continued for eighteen months. There was no county which I did not visit and which was not thoroughly campaigned and organized. There was no district that was not carefully polled. There never was a campaign in West Virginia, which in all its details was as carefully conducted as was this one. In those days everything was on horseback and by buggy; there were comparatively few railroads, and in the state few roads fit to travel. It took days of travel to get from one section to another, but we went through snow, rain or sun when it was necessary. I was as familiar with the one-story cabin, the bed in the corner, and the children sleeping in it, as I was with the big hotels in the town. I was more familiar with them because we had to see that the unfrequented places were visited and the delegates however isolated were personally interviewed by one or another of the organization. I say this because the men of today do not understand the work that a Convention involved in those days, especially one that was a contest against all of the constituted authorities in the party and in the state. Governor Wilson had made assault upon the same powers but they were back again after his term was over. They were more vigorously entrenched than before. I will say that in a convention of seven hundred delegates I knew five hundred and fifty of them by name and

could shake hands with them and discuss their neighborhood affairs.

I appealed to the southern element largely, as I was southern born and my father had been in the southern army, all of his family who could carry a gun or sword being with him. The southern people almost universally supported me.

Judge Bennett had an exceedingly artful speech and was a large farmer as well as a lawyer. He appealed to both elements. Eastham appealed to the farmers. The Convention met in Parkersburg with all the influences surrounding it that I have named. The great interests of Camden, part of the Davis interest, the vast political and other interests of the Bennetts, the great coal interests of Marion County, and the farmers were all massed around the other two candidates. Such conventions are not seen in these days and it may be of interest to say something about this one.

My associates were past masters in the control of a Convention and they never missed a trick. The "breaks," in the parlance of the baseball men, were all in my direction. I knew every delegate who was for me. There could be no mistake about him. It was a fight from the beginning, a deadly concentrated fight. The assembled wisdom had met in a room and sedately and solemnly asked me to withdraw. The reason they gave forsooth, were that they were opposed to me because they wanted the office themselves. The desires of the dozen or so who had been the political control of the state for many years were not needed. Joe Chilton, who was my representative before this great committee, told them he thought the only objection they had against me was not the one

urged, but the real reason was they did not want me for Governor. He declined their proposition and he informed them as we had already agreed, that it was a fight to the finish. It was a picturesque Convention. All our delegates were there, from the creeks and the hills, and every man that had been elected that could come to the Convention was present.

The Camden men did not want Bennett, because Bennett was already too great an influence in their portion of the state. Ohley and McGraw were in charge of the Eastham campaign. Eastham's plan was to hold his forces well in hand and defeat me by combination. The call of the people in the Convention now seems a calling to another world. There were Jepson and Alderson and Ned Stalnaker; Eastham and Fleming and Hanlon and McIntosh and Okey Johnson; John Sheriden and J. S. Withers; I. V. Johnson of Barbour; J. N. Rowan of Monroe; Virgil A. Lewis, of Mason; M. W. Dent of Taylor; Wood Daily of Mineral; and S. S. Vincent of Wayne; also Lawrence Tierney and John Tierney of McDowell; J. F. Brown and John Kenna; J. W. McCreery of Raleigh, Johnson N. Camden and H. G. Davis; John J. Davis; C. L. Thompson of Cabell; J. C. Alderson of Nicholas; and James A. Holly and Stuart Walker; H. F. Bowen of Wayne; John McGraw of Taylor; Pat Duffy of Webster, Will Strickler of Ritchie; Thomas E. Hodges of Cabell; George W. Warren of Raleigh; and a host of others whose names come before me like phantoms of the past. They were vigorous, enthusiastic politicians. Now, they, with hosts of others in that Convention, have gone over to the other side and their place is but a memory.

Anse Hatfield, with his Winchester, was there, and his friends with him. The people who were not identified with the great interests in the state were present, for me. It is not worth while, nor have I time to mention, all the interests. The speeches were red hot. Senator Faulkner was chairman and when he could no longer hold the Convention, Judge Okey Johnson, with his Herculean body and mighty voice, was placed in the chair. To show that little things will accomplish much in large affairs, Ben Martin—who nominated Eastham, a man of great public experience who had two or three times been in Congress and was a good speaker—after recounting the virtues of the latter and telling of his splendid citizenship, his ability as a farmer and his prevalent strength in the state, and after giving an eloquent peroration of his virtues, concluded with the unexplainable statement of “so I have been informed”; so that, amidst the laughter of the Convention, Eastham’s chances were lost by a slip in a speech.

The Bennett people, not appreciating the echoes of Governor Fleming’s fight before the Legislature in his contest for election, undertook to make the basis of representation the report which militated against the resolution of the Legislature which elected Fleming. This put the Fleming people, notwithstanding their interests against me, vigorously for me on the great question of representation.

It was the field against Kanawha—splendid, magnificent Kanawha. The placing of my name before the Convention was done by Samuel L. Flourney, an accomplished lawyer, and a man without reproach, a splendid type of citizen. He was not sufficiently physically strong to reach that vast con-

vention, but his speech was one of the best nomination speeches ever made in the state. C. Wood Daily seconded my nomination. Both Flournoy and Daily have gone to their last reward, both had the highest honor that a citizen could attain in the kindly feeling and respect of their state. Daily was a magnificent orator and what Flournoy lacked in physique, Daily made up. He was strong, earnest, and one of the most eloquent men I ever listened to. Both he and Flournoy made a magnificent presentation of my cause.

The bitterness of the cup is well illustrated by an incident. Joe Chilton, when the nomination had been effected, went out and laid down on the grass to get his breath. A huge, shadowy form came out of the Convention Hall and unknowingly laid down beside him. It was Wayne Ferguson, of Wayne County, who had been my bitter opponent. Joe ironically said, "Wayne, it has been quite a little fight." The shadowy form arose from the ground to its full height of six feet three, and replied, "A little fight, Hell! there is not a man in West Virginia who ever knew MacCorkle that is not at this Convention, and not a one of them has a dry thread on him!"

So it eventuated, at two o'clock in the morning, in the language of A. B. White, then an editor, that the "red-headed man from Kanawha County stood before the howling convention with the scalps of all of his enemies hanging at his belt."

The incidents of the Convention are not described as personal history, but as the sidelights of the history of the state. The campaign was one of the most vigorous in that history. The Democrats knew that their margin was not large and that the Republicans would have a chance to get control.

Among the features of my campaign which were vividly impressed on my mind were the speeches of John Randolph Tucker, of Virginia. He was the greatest constitutional lawyer of his era. He was one of the most eloquent men in the south. He had great knowledge of common law, and with his inimitable wit and humor, was a great general in a law case. In Virginia, as a trial lawyer, he was almost supreme in his time. He was my old preceptor and he wrote me that above all his engagements, which were legion, he wanted to come out to West Virginia and speak for me in my campaign for governor. He came as soon as I had made the engagement for him. It was the day of parades, of processions, of torches and uniforms, and when the other speakers had had their say, the multitude instinctively gathered around the platform on which the gray-haired lion sat, and began a tremendous and insistent call for "Tucker." I saw that he was going to speak and I did not want him to speak at that time. I wanted him for the great meeting at night. I went to him and said, "Mr. Tucker, don't speak this afternoon, because you are going to have a great meeting tonight, and it will break you down." "Well,—Mac," he said, "I might die before night and lose my chance at this great crowd." There were eight or ten thousand people standing around him. They were very quiet while he was talking to me, and when he put his hand upon my shoulder and rose there was a great roar of delight. For an hour, with his powerful eloquence, his vast knowledge of the tariff, which was the issue in the campaign, with his patriotism, and his eloquent expression of it, he poured forth one of the most beautiful and magnificent speeches I have ever heard. The

crowd was delighted and overwhelmed. For Mr. Tucker, when he concentrated his mind on a subject, forgot all else. I remember once during the iniquitous Force Bill period when the whole southern country was roused as it had never before been in my time on a political question, Mr. Tucker was not then in Congress, Harry St. George Tucker, his son, having succeeded him in the House. I was waiting at an out of the way station in Virginia, which was a connecting point with another road, and to my surprise I met Mr. Tucker at that station waiting for the train that left about the same time as mine. He was full of the bill and its dreadful consequence to the South and hoped the Senate would fight it to the last. I remember he said that the rules of the Senate were designed to give great latitude so as to provide against any untoward action on any question. He caught me by the buttonhole, standing in that little bare out of the way station, and said to me, "If I were in Congress I would argue this question in this manner." Standing there and holding on to me, for an hour, he made one of the greatest arguments that I ever heard. He seemed to forget himself, that he was at a little desolate station, and to think he was in the Congress of the United States with a listening multitude, so absorbed was he that he repeatedly addressed me as "Mr. Speaker." Gradually the dwellers at the little station, hearing his voice, gathered, and he continued without thought of the listeners, looking only at me as his audience. It was an impassioned and wonderful constitutional argument. Only the train stopped the music of his wonderful voice and the flow of the great constitutional speech he was making to me against the infringement of the liberties of the people.

To return to his speech at Charleston. That night a great multitude was to hear him, and notwithstanding his efforts of the day, the people were on their feet, for more than two hours and a half shouting now in pleasure at the eloquence of the speaker, and then in tears with his pathos, and then again in wild shouts of frenzied laughter at his humor. In some respects, it was one of the greatest speeches I have ever heard, and it affected me greatly, because here was my old preceptor, the greatest constitutional lawyer of his day, from my old home county, speaking for me, who was a candidate for office within the gift of the people of my adopted state.

Another great speaker in this campaign was one of the unique characters of politics, James Hamilton Lewis. Born in Virginia, representing the state of Washington in the House, then changing his residence to the great Republican state of Illinois, he represented the latter in the United States Senate. He was a man who, you would not think, would attract attention—dapper, carefully dressed, to all appearances a fop, seemingly effeminate, yet all the while possessing the most virile ability. He is an indefatigable worker. He never went into any question without considering it from every standpoint and was able to discuss it before the people with the most captivating eloquence. I think he is one of the best public debaters of our day, and he was able to take all classes of the West Virginia population and delight them with his discussions of the political questions. He left a delightful atmosphere of political ability and learning. He afterwards became a most interesting and valued senator.

His eccentricities of dress were a subject of great

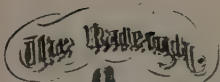
fun to his colleagues. Senator Chilton tells that he was one day sitting with Senator Williams of Mississippi and some other senators and that Senator Lewis came in at the other end of the room with his overcoat on, whereupon one of the senators remarked: "I will wager the dinner for all of the senators in the cloak room that I can tell what color of hose Senator Lewis is wearing today." Senator Williams, for whose benefit, without his knowing it, the remark was made, immediately took up the statement of his brother senator and said, "Have you seen his stockings?" The senator replied that he had not but knew what kind he had on. Senator Williams at once accepted the challenge and Senator Hamilton Lewis was immediately brought over for inspection. The other Senator, knowing that he wore the same color of cravat and socks, saw the color of the cravat was blue, so he immediately said his socks were blue, and upon display, his surmise was found to be correct and Senator Williams was mulcted for the dinner for quite a considerable crowd. Two or three days after that Williams was on the *qui vive* to find somebody to even up with on Lewis's socks. The other senators knew this fact and they prepared Senator Lewis to come into the cloak room wearing cravat and socks of different colors. So the next morning, when Senator Williams made his advent into the cloak room, he immediately remarked to the senators who were present, none of whom had been there at the former episode, that he could tell what kind of socks Senator Lewis wore. He was immediately challenged by one of the gentlemen who was in the secret, and Senator Williams immediately wagered the dinner for the whole cloak room that red was the color. He

saw that Senator Lewis had on a red cravat and he was brought over for the inspection of the senators. Senator Lewis made an expose of his hose and they were green. Senator Williams being in for two large dinners on account of these socks, looked Lewis over very carefully and said, "Ham, I knew you were a cad, but I thought you were a consistent one."

Governor Robert Taylor of Tennessee was another one who assisted me in my campaign. He was one of the most unique figures before an audience that I ever knew. In some respects he was the sweetest man I ever heard talk from a political platform. Everything he said was charitable, every utterance he expressed was tolerant. His views of men were kindly, and his political views personally were all indulgent. He made his campaign with his fiddle, but that was not his only issue. The fiddle was used as a mere bait to a wit that was always pungent, to a humor that always was bubbling and a sense of perspective that was a surprise and delight to every one. He had an immense fund of good hard sense. He was reared in the country and he had all the good common sense stored up from his country forbears. He did not put on any airs, yet from the moment he arose on the platform until he left, he had the undivided attention of every one. He had a homely humor that reminded me somewhat of Vice-President Thomas Marshall of Indiana, yet he had more wit and reminiscence than Marshall. He played on the fiddle and accompanied it with his voice, and the songs he sang always had a minor tone in their sweetness and a plaintiveness that went straight to the heart. What he said drew the people's attention quickly, being strong, vigorous

arguments filled with honest humor, with plaintive stories, with suggestive illustrations, which caught the people in a way that characterized no other public man of his day. He generally spoke with his mouth filled with tobacco. He was one of the men who supported me and campaigned for me, but I am afraid the West Virginia politics were somewhat too strenuous for him. He made wonderful speeches in the state. On one occasion there was a riot at the meeting. It was not directed against him but against me, and he did not understand it, and ceased speaking. That evening he was in despair over his failure. I told him we were used to that kind of thing in West Virginia, but there was one thing I wanted to hear before I died, that was his lecture on the Fiddle and the Bow. We had taken off our clothes and were about to go to bed after a hard day's campaigning, but his heart was filled with kindness and the desire to accommodate. He said, "Do you want to hear my lecture on the Fiddle and the Bow?" I said, "Very much." I was already undressed and in bed,—we were sleeping together. He said, "Put a pillow over here where I can lean on it," and for an hour the beautiful tones of his voice echoed to the wonderful lecture as he poured out to me all its imagery and beauty. Ever and anon he would break into singing.

I have a piece of paper which is one of my treasures, on which he wrote with pencil the beautiful sentiments of the "fiddle and the bow." After he had finished his lecture, when we thought we were absolutely alone, we heard a noise at the door, and turning around I saw the dark hall was full of people, who, hearing the tones of his voice, had listened there for



European Plan.
ABSOLUTELY FIRE PROOF
T. J. TALTY, MANAGER

Written by Governor
But Taylor of Tennessee
in his hand

WASHINGTON, D.C.

190

In the happy long ago
When I used to draw the bow
At the old time country hearth stone

All aglow,
On the fiddle laughed and sung
And the welkin fairly, rung
With the clatter of the shoe soles
Long ago.

Oh, the merry swings and whirls
Of the happy boys and girls
In the good old time collision
Long ago.

Oh they danced the highland fling
And they cut the pigeon wing
The music of the fiddle and the bow.

But the mischief and the mirth
And the frolic 'round the hearth
And the flitting of the shadows
Go and too.

Like a dream have passed away
Now I'm growing old and grey
And I'll soon hang up the fiddle
And the bow.

When a few more notes I've made

When a few more tunes I've played
I'll be sleeping where the rosy fairies grow
But my griefs will all be there
When I reach the happy shore
Where I'll meet the friends who loved me
Long ago.

"THE FIDDLE AND THE BOW," WRITTEN BY GOVERNOR TAYLOR

(From the original at Sunrise.)

an hour to the beautiful sentiments of the fiddle and the bow.

By reason of the industrial revolution which I have mentioned before, I was the last Democratic governor elected in this state by a strict party vote. The state at that time was Republican but the contest that we had carried on for the nomination brought out every Democratic voter and I was chosen. Governor G. W. Atkinson was the Republican nominee succeeding me, and he was elected. The people who controlled the state from this time were Republicans. Governor Atkinson was a member of the Southern West Virginia Bar. He was not a great lawyer because he had devoted himself to politics, but he had a very distinguished career at the Bar. He was District Attorney for the Southern District of West Virginia and managed the affairs of that important office in an able manner. He was then appointed a member of the United States Court of Claims and occupied that great position with distinction. Whilst, as I say, not a learned lawyer, he had the particular ability which he learned on the hustings, of massing the testimony so as to throw it into the most effective force. He was an exceedingly fine governor, and by his sobriety of thought and power with the party, prevented any excess of party politics.

The Democrats were thrown into a minority by the solid negro vote which had come into the state following the coal industry, and, by the vote of those who came from Republican states. The immigration was largely Republican following the coal industry. Governor Cornwell was the only Democrat elected in later days, but he was elected by the split Republican vote which resulted from a bitter contest between

the Republican factions by reason of their nominee for governor.

The governorship of this state is a graveyard of politicians. No man in this state who has been governor has afterwards risen to a high position by the votes of the people. I have thought about it quite often and have come to the conclusion that so many people ask for office and you have so few offices to give that you offend a vast number of influential voters. I remember that I had thirty-seven hundred and sixty regularly written applications for office whilst I had less than one hundred offices to give. Thus there were more than three thousand people who were offended at me because they were not given positions. They were generally politicians who had the power and the will to punish.

Governor White should have been elected senator, but he was beaten because he had been governor. Governor Wilson was repeatedly a candidate for Congress and the Senate, but was also defeated for the same reason. Governor Atkinson desired to be senator, but was not elected for a like reason. About two years after his term had expired, he received, when I was present, an exceedingly rude rebuff, and like the fine gentleman that he was, he received it in silence. After awhile, however, he turned to me and said, "How long did it take you to get over the governorship?" I considered the question a moment and answered: "About five years." He looked up with a smile and said: "I have three more years to serve before I can return to normalcy."

Governor Cornwell was a very able and popular governor, but he returned to professional pursuits, and Governor Hatfield may yet have a chance for the

Senate. I could have gone two or three times to the House of Representatives, and had a chance for the Senate, but I did not care for further public service. I will say that Governor White and I have both been elected to the State Senate. This is about the limit of office for an ex-governor.

CHAPTER XIX

THE GOVERNORSHIP.— THE STATE IN AREA AND PRODUCTS. ITS FUTURE. IMMIGRATION. STRIKES. PARDONS.

A STATE has epochs or eras in its history impressed upon it oftentimes by the mental direction of the governor at the time. Governor Wilson's term was an epoch devoted to the curbing of the power of the railroads. Governor White's term was an epoch in legislation involving taxation. Governor Fleming's efforts and mine were directed almost solely to the advertisement of the resources of West Virginia. Governor Fleming's administration did much for the industrial development of the state. He was the first governor to take up the question of widely advertising its natural resources. At that time the state greatly needed publicity, as it was in the formative period. We were both advertising agents on a large scale.

In a Republican National Convention the state had been spoken of by Roscoe Conkling as the "Little Wild State of West Virginia." I realized that it was potentially one of the most powerful in the Union, but that it needed exploitation and development, and that it must be called to the attention of the developing powers of the country. My administration was directed almost solely to this essential

proposition—its advertisement of the state to the great national constructive interests. The state was somewhat as Roscoe Conkling saw it. I would say that if my administration was to be analyzed, the gist of it would be advertisement and exploitation. There was scarcely an important meeting in the United States for development and exploitation at which I did not have a delegation or which I did not myself visit and give facts and figures of the immense potentialities of West Virginia. Some editors have fallen into the bad habit of speaking of it as "The Little Mountain State." I vigorously combatted this nomenclature. There was never a more miserable misnomer. West Virginia is not a little state in any sense of the word. It is immense, with nearly 25,000 square miles of area. It is nearly four times larger than Connecticut, eleven times larger than Delaware, and is 9,000 square miles larger than Denmark. It is twice as large as Holland, and five times larger than Alsace-Lorraine, which, for its comparatively small territory, has deluged the world in blood. It equals Connecticut, Delaware and Massachusetts together, and covers nearly as much territory as New Hampshire, Rhode Island, New Jersey and Oklahoma combined.

When you consider its inner potentialities, it is even more tremendous. It has seventeen thousand, two hundred square miles of the Great Appalachian coal area, the best in the world. It has nearly seven thousand square miles of coal country,—more than Kentucky, twice as much as Alabama, five thousand square miles more than Great Britain, and as a matter of fact, more than Great Britain, France and Spain put together.

The coal tonnage of West Virginia is equal to the total coal tonnage of France, Spain, Belgium, Holland, Russia and Hungary. Do you catch the import of these stupendous figures? Of the great and rich Appalachian coal fields it is twenty-eight per cent. It has sufficient coal at its present output to supply the world for a thousand years.

Take another great requirement of human affairs,—oil. It has produced three hundred million barrels of oil, and there yet remains two hundred millions under the soil. These stupendous figures should not be associated with that which is “little.”

Since 1906 the state has produced four trillions cubic feet of gas, and since 1885 there has been sold one billion dollars worth of gas in the state of West Virginia. It is estimated by competent authorities that the state will produce sufficient gas for a great deal of manufacturing and all of its domestic uses for thirty years to come.

It has the largest glass manufactory of its kind in the world, and today, where the sharp ax cuts into the teak of India, or into the mahogany of Central or Southern America, or Western Africa, or into the oak or the pine of Russia, the oak, poplar and pine of North America, an ax from West Virginia does the work. For West Virginia produces one-half of the axes used in the civilized world.

This state is the head of over twenty thousand miles of navigable water with the Ohio River, a canalized stream, more than two hundred miles, on its border. The possibilities here are immediate, and before young men in this state are old men, we will see this great artery of commerce rivaling the Rhine and the Rhone.

With these numerous potentialities, it is criminally wrong to characterize the state as a "little state," because no area of earth is much greater than the area of West Virginia in potentialities or immediate and future wealth and power. It is not a "little mountain state," it is a "giant mountain state." I took the expression of Senator Conkling as a watchword and attempted for four years to advertise the state so that the knowledge of its resources would be thoroughly disseminated in the United States. That was the burden of my administration.

At the end of my term I could say that I had devoted myself so constantly to this work that the wonderful resources of West Virginia were as well known as those of any state in the Union. I do not mean that I alone did all of this advertisement. It was begun by Governor Fleming and was kept up very ably by him, and after my administration the work was continued by Governor Atkinson for four years. For twelve years the state had three governors who devoted the whole of their administrations practically to this endeavor. Oftentimes I was accused of overstating facts, but when I see the realization of the last forty years I perceive that my statements were not extravagant.

A prophet likes to realize his prophecies. Let me tell you some of them by the most prosaic method of presenting the figures. When I began my work there were 9,500,000 tons of coal mined in the state. This year was mined there the vast sum of 138,000,000 tons, making it the first producer of the soft coal in the United States. The miners and workmen employed were at one time 18,500 in number; now they constitute the vast multitude of 111,000. There was

once not a pound of coal from Coal River; last year it shipped 3,200,000 tons. The Norfolk and Western Railway, with 2,275,000 tons in 1892, is now one of the most famous coal carriers in the world, and the shipments last year amounted to 25,000,000 tons. The Guyandotte Valley was silent formerly, and to-day the vast amount of 21,000,000 tons flows down between its banks. The wonderful region of the Gauley not long ago heard only the whisper of the night wind amidst its immense forests and silent valleys; now it is bubbling with immense railroad building and coal production. The great Raleigh section in the beginning produced practically nothing. Today it produces 3,200,000 tons. The coal of the Elk Valley amounted to nothing then. The Elk Valley is today a great producer. The Valley of Monongahela then shipped 1,800,000 tons; now the vast tonnage of 21,000,000 tons comes from its borders.

I made a speech in Clarksburg in 1894. Then it was a quiet town. I discoursed upon its wonderful natural advantage. I was criticized most severely by two newspapers for my statements, who said I had a political object. Instead of making an overstatement, I find that the increase in Clarksburg has been beyond my most sanguine utterance.

Then, the only manufactories in the state were one or two small ones at Clarksburg, the iron foundries and steel mills, and the glass factories at Wheeling and Benwood, as well as one or two small factories at Parkersburg, and a comparatively small foundry at Charleston. Now, their production is minimized by the vast industries which were at that time nonexistent. Charleston produces one-third of the axes

used in the world and has the largest glass plant of its kind. Huntington, Charleston, Clarksburg, Fairmont and Morgantown are centers of immense manufacturing industry. Huntington is one of the great centers of manufacturing of the state and has grown to be easily its first city. All these cities were practically unknown in the manufacturing world at that date. The vast fruit business of the eastern panhandle then was only beginning.

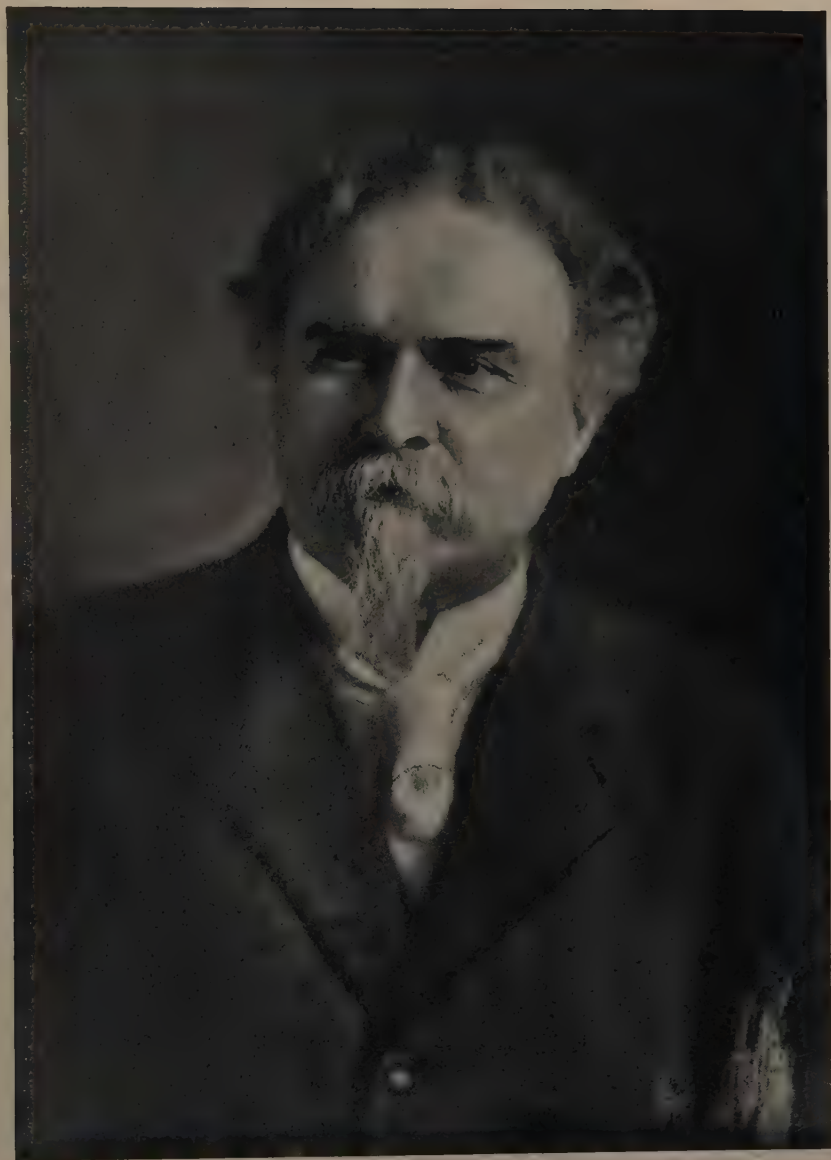
The railroad communication then contemplated, with the exception of two projects, has been completed. A railroad has been built through every one of the rich valleys that I have named, the only exception to what was then contemplated is the railroad on the south side of the Kanawha River, from Charleston to Point Pleasant, which at present is in active consideration; and secondly, the building of the railroad through the wonderfully rich region of the Little Kanawha, connecting the Elk River with the Little Kanawha at Parkersburg. The system of water communication, as it affected West Virginia, was then in its infancy. In a few words, it meant the building of the Lakes and Ohio River Canal, connecting the northwest and the Lakes with the center of the United States by water transportation. It called for the canalization of the Ohio River, the deepening and channeling of the Mississippi River, and the construction of the Isthmian Canal, thus opening the gates of the world to the heart of our country. It was a grand dream,—and it is now in the realm of reality. The only unfulfilled portion is the building of the Lake and Ohio River Canal, and the completion of the Mississippi canalization, which last is in a fair state of realization, and the former among the potentialities

of the next few years. When these are completed, it will give us ocean navigation to all the world and to every clime.

These mighty works are almost completed, all in the lifetime of my activities. They were once all dreams, but they were wonderful dreams, and many of us are beginning to see their complete fruition. Dreamers must not be minimized. They are more important than the hand workers, and the people who fructify the dreams are less important than the men who dream, for the latter tell the people of their vision, and "where there is no vision the people perish."

The Lake and Ohio Canal will be built in fifteen years. This, with the canalization of the Mississippi, will allow the whole world to come into the Ohio Valley and to grasp its vast opportunities. The territory from Russell on the Ohio River and up the Kanawha River to Charleston and back one hundred miles above its mouth on the Ohio, I predict will be, within fifty years, the heart and soul of the manufacturing district in the United States, and therefore of the world. Huntington, Charleston and Ashland will be the center of this district, which will extend more or less up the Ohio River to Wheeling and connecting with Pittsburgh. The heart of it will be in the region I have indicated. These predictions may make you smile, but when you look back over the vista of fifty years, with its marvelous consummation, you can not but believe that the predictions I now make will be realized. Why do I say this? Let me give you a word.

From where I write, I am in the midst of the cheapest raw material in the world, among the most



AT FORTY-FIVE

enlightened people, just situated at the junction of the great Southwest, the Middle States and the rich Northwest. I am at one of the great portals of the great Appalachian Mountains District, one of the richest regions in the world, the region where coal and iron and clay and timber, gas and oil, lime, sand, cotton may be more easily and cheaply coordinated with their commercial elements than in any other district I know. It is situated on the cheapest water transportation in the world which can not be overloaded or overburdened, with railroads penetrating in every direction, and with these materials mined and manufactured and coordinated right by, and alongside of, and in the midst of, one-half of the population of the United States; with the gates of the untouched Southern continent standing wide open; with no physical objections, no winds or storms or malaria. Here is everything that is needed to work out the supreme destiny of mankind.

Ten years ago I had the honor of being the speaker at the Centennial of the granting to Pittsburgh of its charter. I predicted in the presence of two thousand of the most important business men of Pittsburgh that within ten years Pittsburgh would be drawing part of her coal from West Virginia. A smile went around that cultured audience, but today, West Virginia is supplying Pittsburgh with part of its coal.

With an outlet to two continents, in a region where the products of the rich, and practically undeveloped Southwest, will meet on the banks of a great river in a great valley, the products of the great and rich Northwest will be the supreme Consummation of commerce. The near proximity of coal and iron have made England for two hundred years the mis-

tress of the world. But in this West Virginia region, coal and iron can be coordinated more cheaply than in any part of England, and here coal and iron, unlike in England, are only a small portion the elements of our future supremacy.

Do you not hear the tread of the peoples on their march? A great statesman, standing on a rock in the solitude of New River, listening to something which his friends heard not, was asked, "Senator, what do you hear?" He replied, "I am listening to the tread of the millions of people who in future years will occupy this great district." Can you not hear their tread? Can you not see in your mind's eye the smoke of the furnaces, hear the noise of the wheels, and consider the busy hum of the multitudinous industries? Can you not see the black, the brown, and the white people, strange and diverse in their nationalities, crowding our rivers and over-riding our railroads in order that they may be at the seat of the commerce of the world in this great Ohio Valley? These may seem the babblings of an old man, but as the activities depart and the struggle wanes, as compensation to old men is given the power which is denied to the young—to peer very far into the future. Here is no distant vision, it is only far to him who will not see.

As a kindred measure looking towards the exploitation of West Virginia, during my term as Governor, I was actively engaged in inducing immigration to come to the State. This I considered important. Bringing capital was vital, but it was equally important to bring the immigration which would do the work. To induce capital to come to West Virginia was important but it was equally important

to have the immigration. I considered the advisability of establishing an immigration commission which should have entire charge of that important branch. I appointed an officer to function as an immigration commissioner and paid him out of my contingent fund. I attended immigration conventions everywhere and considered them very important. I was elected chairman of the great immigration and industrial convention at Huntsville, Alabama, where all the representative men of the South were present, with the purpose of considering immigration in every detail. Then we felt that we were at a disadvantage in West Virginia because we were not on the isothermal line which leads directly from the port of entry to the immediate centers. Now, the whole theory and plan has been changed. I presume rightfully changed, but at times I am somewhat doubtful. When I visit the cities and see the vast mass of unassimilated population in the ghettos of the densely populated cities, I am filled with fear for our institutions. I wonder whether or not they can stand the strain. When I go into the vast regions of the south, and the great west, and see the wonderful results of the assimilation of population, my mind is at rest and, I sometimes think we should be more liberal in our policy of immigration.

I have somewhat the same feelings about our crops. I go to the centers of population in the east and see the vast congestion of people and wonder where in the world the food is to come from to feed this great population. When I visit the vast farming regions of our country and see the hundreds and thousands of miles of waving corn and billowing wheat, the thought arises: where are we going to dispose of all

this grain and food? It seems, that under God, this country takes care of itself in all the phases of every great question. This assures us that this country has a destiny beyond what we can see. Its ability to assimilate heterogeneous nationalities and most diverse peoples is one of its marvelous features. A German or Czecho-Slovakian speaking his broken language today in a short time will be speaking English, and the customs of foreign nations fall into abeyance quickly. It will not be a long time at the present rate of progress before we assimilate the vast mass in our eastern cities. I had a wonderful illustration of this not long ago. I had heard of it in a way before it happened to me. Some friends of mine and I were in Richmond, and we visited St. John's Church, the old Church where Patrick Henry made his famous speech. The custodian was a fine, up-standing young man. His English was perfect, with a broad touch of the eastern Virginian. After courteously showing my friends and me through the place and having done all the honors, he came to Patrick Henry's pew, from which he made his wonderful speech. Standing in it he said to me, "Would you like to hear Patrick Henry's speech?" I said I would. He stood in Patrick Henry's pew and we sat down in front of him. Immediately he began the closing paragraph of that magnificent speech. His words rang and reverberated through the old building, and thrilled us with the splendor of the declamation of the old call to arms. "It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, peace,—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the

field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!"

His eyes blazed and his cheek burned with the great theme of patriotism. It was the feeling of the American citizen expressing himself in the great words of the old orator. After he was through I congratulated him and said, "You have been here all your life and recited this until it has become a part of your very being, and you feel as if you were making the speech." He said, "No sir, that is not the case. I am Italian born and eight years ago I could not speak a word of English." So thoroughly had the American spirit enveloped this foreign-born man that his words and ideals were truly American. I believe that such will be the case with any one upon whom the American spirit will have the opportunity to play. But still Congress may be right. This liberty of ours is too precious for us to use it as a subject of experimentation.

One of my chief troubles as governor of West Virginia was the strikes. The first importance of the state as a mining center naturally brings this about. The governor should be a man of level head, who can think quickly and accurately because there is no telling at what angle or at what time a strike will eventuate. To the governor is intrusted the preservation of the peace of the state. During my term of office there were four years of bad times throughout the United States, and in West Virginia many resultant strikes occurred.

The strike of the Norfolk and Western Railroad

was a very peculiar one. As a matter of fact it was engineered by the operators to protest against the rates of the railroad for coal. The operators knew that the railroad by reason of the large bond issue would not be strong enough to do without revenue from the coal. The operators quietly supported the men in the strike and furnished them with provisions during the time it lasted. They importuned me not to send troops to that district. I informed them that as long as the miners behaved themselves I would not send any troops, as it was not my rule to do so unless it were absolutely necessary to preserve the peace. The strike continued but it pressed the railroad too hard, and instead of the operators forcing the railroad to reduce transportation charges, the road went into the hands of a receiver. This precluded all hope of rate settlement.

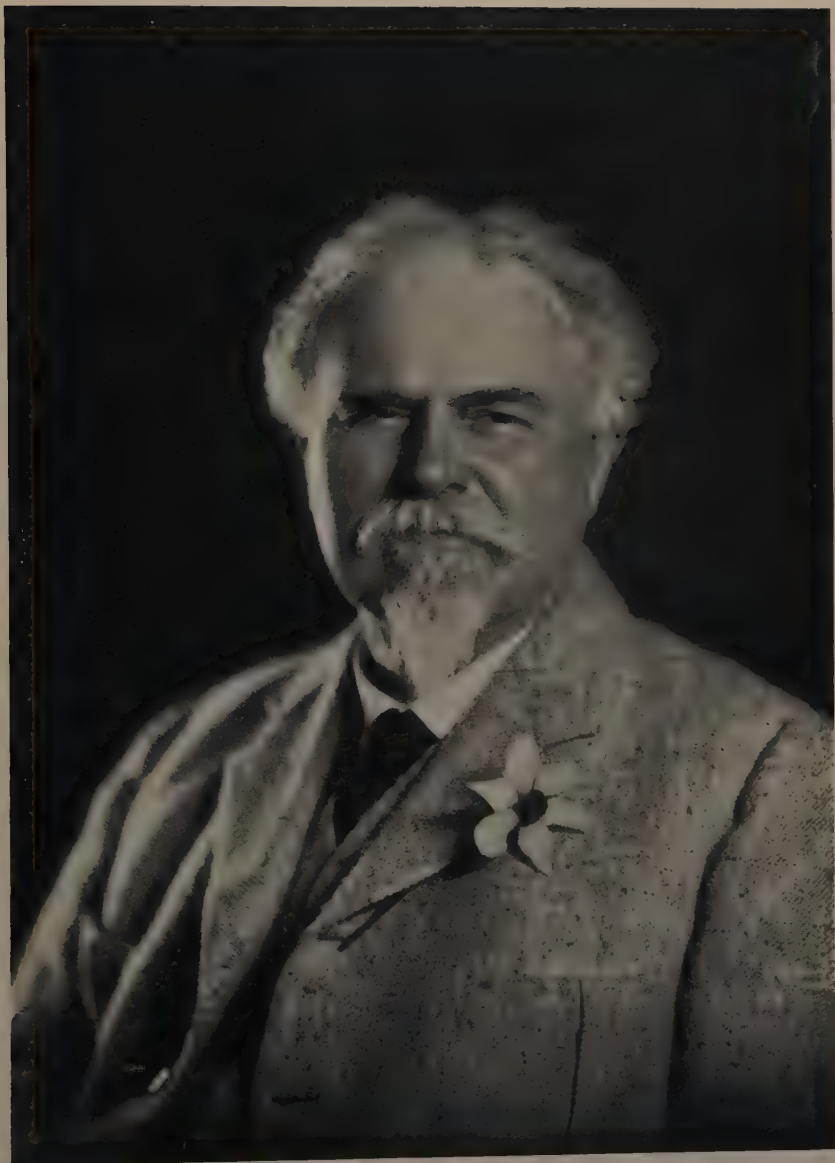
Immediately when this occurred the operators attempted to get the miners back in the mines, but the miners had in the meantime taken their grievances seriously and refused to go back. Then these same operators, and one of them especially, made a half dozen trips to my office and begged me to send troops into the field and thus expedite their putting the miners to work. There had been no change in the attitude of the miners whatever. They had been peaceful. I did not propose that the State of West Virginia should be a tool for any one and informed them that the conditions confronting the state were exactly as they had been when they asked me not to send troops. I did not propose to allow the state to be used either to keep the miners out of the mines, or to force them in, as long as they did not break the peace. The consequences were, that my action made

a breach between some of the operators and myself and I was abused by those interests who did not like my action. I maintained my ground however, and did not allow the state to be used as a mere football to be played with as it suited the purposes of interested people. The strike, without the use of troops, adjusted itself.

One of the most acute strikes during my term was on New River at the mines of William Wyant. Wyant was a big strong Englishman, and he was not afraid of anything in this world or in any other. His men and the miners were gaily shooting at each other, one side being barricaded in the mines and the other in the mountains. They were having a real battle. I immediately sent the troops there, and in an hour put an end to the infraction of the law. But I could not control the strike itself. There was an irreconcilable conflict between the leaders of the strike and Wyant. Wyant was a vigorous specimen of the pioneer operator in West Virginia. He was as powerful a man physically as he was mentally alert. The man in charge of the miners—a Scotchman by the name of Ferguson—was also a giant in strength, and an adept in the use of his hands. He was trying to settle the strike and finally Wyant said to him, "Ferguson, you are leading this strike and you are breaking me up. I will agree to fight you for a settlement between us. If I whip you in a fair, square fight, you are to let the men go back. If you whip me, the strike can be continued, or I will meet your terms." Ferguson was game to the core and he agreed to the conditions. All of the miners and Wyant adjourned to the river bank, under the culm bank of the company.

Wyant and Ferguson removed their coats and shirts and went at it, and for thirty minutes it was the hottest fight that was ever seen in that section. They were both skillful with their hands. Ferguson made an uppercut at Wyant, who dodged. Ferguson was coming on with the whole impetus of the blow. That enabled Wyant to hit him a tremendous right-hander on the jaw as he came on and Ferguson fell limp to the ground. Wyant stooped down, caught him by the hair, dragged him to the water's edge and stuck his head under the water to drown him. Then the miners after a short conference saw that it was up with Ferguson and that unless they pulled him out of the water Wyant would drown him. They took him out of Wyant's hands and resuscitated him. Wyant put him to bed in his own house and gave him some whiskey to bring him around and then ordered the men back to work. They and Ferguson, quietly carried out the agreement.

I had a very wicked strike at Bogg's Run in the Wheeling District. As a matter of fact it began over in Ohio. I used troops to put down lawlessness and preserve the peace and dignity of the state, and so settled the strike, because the people interested understood that force of the most drastic kind would be used. If it could be understood on all hands, that this would be the attitude of the governors and the authorities of the states, there would be less lawlessness during periods of industrial change. What is really needed is a firm and vigorous attitude on the part of the executive and there would be little trouble, if any. As a matter of fact, the authorities of the states have not exercised sufficient firmness, and the character of the state government in this respect has



AT SIXTY-TWO

suffered thereby. The action of the states has been so often inane and inconclusive that in many cases little respect is shown for it. This does not apply to the executive authorities alone but also to the judicial and county authorities. For the purposes for which they are created, the state powers are effective. The Justice of the Peace is as effective within the state jurisdiction as the United States Commissioner. The sheriff of the county has been enforcing the law for a thousand years among the Anglo-Saxons and is just as effective as the United States Marshal. The courts of our state are as full of jurisdiction in any matter before them as are the United States courts. In every case the state courts are clothed with complete power and in no case within our experience, has this power, which can be summoned by the officers of the state, proved insufficient when there was vigorous and courageous action of the officials. Notwithstanding this, every excuse is sought to appeal to the Federal Government. In this strike and in the others in the state, my contest was not alone with the powers of lawlessness but with those who were clamoring for the interference and control of the United States Government. In other words, there is no respect for state action as compared with that for the Government of the United States.

As an illustration of what I say, I cite a strike on the Baltimore and Ohio at Martinsburg which occurred before my term as governor. There were two thousand striking railroad men who took possession of the railroad tracks and the shops and prevented the railroad from being operated and trains from running. The state was appealed to for protection. Two companies of state troops were sent there

in command of an officer. They were brushed aside by the railroad men and no respect paid to them. The State soldiers did not enforce the law. The Government of the United States was then telegraphed, that the state could not preserve order and immediately the Government sent a Lieutenant and five men under his command. He left the men in the box car at the station and he himself went to the railroad authorities and asked them what they wanted. They told him they wanted control of the railroad tracks so as to operate the trains and pointed out to him the tracks occupied by the two thousand strikers. The Lieutenant was a little man and he went out to the body of the strikers by himself, armed only with a little wisp of a cane. He approached the strikers and said, "I am a Lieutenant of the United States Army, get off this railroad property," and rapping the men smartly with his cane he walked down the serried ranks of the strikers, who fell over each other trying to get off the track and out of his way. By the time he got to the end of the yards, every striker was standing on the outside of the property looking at the Lieutenant as he exercised his Federal authority. There was not a man left on the railroad tracks. He then ordered the authorities to bring out an engine and run their trains, which they did without any interference on the part of the strikers. This great moral influence could be exercised by the states, did they but avail themselves of their power.

The strike of Bogg's Run was accentuated and increased by the action of the state authorities in Ohio. They sent state troops to cope with the strikers. The strikers over in Ohio actually took the guns from the

soldiers and threw them in the creek. This is a fair illustration of the situation in which the state governments generally have placed themselves. They are alone to blame. This U. S. Lieutenant had no more authority in West Virginia than the Major of the state troops but he was able by himself to preserve order absolutely. This was because he had the great moral strength of the Government of the United States behind him and the people knew it would carry out its decrees. They do not think this about the state and they accordingly treated it with disrespect. No incident like this occurred while I was governor, when I at one time used fifteen hundred troops to preserve the law. If this was done more frequently by the governors of the states, there would be more observance and respect for the law in this country.

By reason of our state being a mining center there will be more or less friction between the employer and employees all the time. This is inevitable. Justice, fair dealing, and consideration for the other side is the only solution of the question. That, however, will be a long time off. In the meantime, a trained state police is the best protection of the state in its ordinary affairs, because it is a disinterested body which looks absolutely and alone to the preservation of the peace. It preserves the peace at all times, against all people, whether employers, operators, miners or citizens.

There has been in the last thirty years an immense increase in crime. This is to a certain extent brought about by the change in our standard of morals. This change has been caused by the concentration of manufacturing life, the great increase of wealth in this

country, and the deterioration of home life, by reason of the children being employed in multifarious duties which have taken them away from fireside influences.

The want of respect for the law and the disregard for its penalties enter into robbery, house-breaking, forgery and every other crime. The cost of crime is between two and four billions of dollars per year. There is no question but that the machinery of the law must be revised and backed by healthy public opinion. In parts of our country they are getting away from the archaic administration of the law, but the lax and ineffective administration and the want of respect for the courts as to crimes, still continue in a great part of the country. This applies both to criminal law and the civil branch. It is not as effective as it should be and the old forms and delays still continue. Let me illustrate.

A few years ago I was on the train en route to New York with a very distinguished and able lawyer from a neighboring city in Kentucky. He had not had much experience in the city courts. He said to me, "I have not tried any cases in the city. I understand in those city courts they snap along and a trial that would take a week is closed up in half a dozen hours. What should be my attitude in that matter?" He was very learned and a fine trial lawyer. I said, "I would take as much time as I felt disposed to and try my case just as I do at home." He said, "Will they allow me to do it?" I told him he had his rights, and whilst they would hurry him they could not take away these rights. Three or four days afterwards, when I had forgotten the matter, I was in the library of the Manhattan Club. The judges of the city in that neighborhood have their lunch at the

Club and take their coffee in the library, and oftentimes they consider their decisions there, where, as a matter of fact, they go into consultation. One of the judges came in very late and looked very much disturbed. I heard them ask him what was the delay. "Oh, I have been bothered to death with a country lawyer." I am afraid he really said, "a damned country lawyer." He went on to say: "He is most persistent in examining each jurymen on the *voir dire*, and has put on a dozen witnesses. He persists in the careful cross-examination of every witness on the other side. He took up an hour in the cross-examination of one witness, and has been two days in the trial of this case and has forced me to listen and hear the whole thing. He has taken all kinds of exceptions to the evidence and my rulings and is preparing to take the case to the upper Court. He stated the case to the jury and took half an hour doing it and now he has notified the Court that he wants an hour and a half to argue the case. He is a perfectly courteous fellow and a good lawyer and I do not like to be rough on him, but I am not used to that kind of thing and he is taking two days in a trial of a case that I would have closed up in an hour."

This is an illustration of the difference in the procedure of the law as administered in some places and in others and it offsets the whole administration of the law.

From my experience of four years in the governorship I am satisfied that the pardoning of convicted persons should be placed under the supervision of a Board which is non-elective. One of the gruelling details of my duties as governor was the consideration of pardons. Here life and liberty are at stake, and

the friends of the prisoner who is convicted are always assured of his innocence. They are often good people, and sincere in what they say and do.

The question of life and death is one of the most harrowing of all the duties of the Executive. It brings before him the mother, sisters and daughters of the prisoner, and never in my experience was there a mother who ever deserted the prisoner. The father, sisters, brothers, and all the other relations do what they reasonably can, quit and go home, but the mother always stays until the bolt is sprung by the sheriff.

I remember a mother, who had vainly importuned me for her son's life,—he was guilty of a most horrible murder. She lingered around during all the week preceding the execution, importuning me for a pardon. I would have forsworn my office had I pardoned him. On the day of his execution, getting into my office in some manner, she threw herself at my feet and grasped my knees, and with a terrible gush of anguish and sorrow, made a most heartrending appeal for her son's life.

I recall another case, and I mention it to show the difference in the intensity of love in the heart of a man and of a woman. A case was tried in which Senator Chilton was prosecuting attorney and the man was sentenced to be hung. I was not his counsel in the case, but I was employed to obtain a commutation of his sentence. I saw the governor and three days before the execution prevailed on him to commute the sentence to life imprisonment.

Afterwards, I was elected governor of the state, and the mother of course thought that the man who had procured the commutation of her son's sentence,

would of course be in favor of his complete release. She came to me immediately after my election, in an almost triumphant manner, with her eyes flashing and her face tingling with anticipation, and said to me: "Now, my son will get his sentence done away with." I said to her, "I occupy an immensely different position from what I did as a private lawyer. I succeeded in getting your son's sentence commuted to life imprisonment, which was all you could expect, and being counsel for you in the matter it would be impossible, without subjecting myself to great criticism, to give him a pardon." It was as if I had struck her with an ax, she fell so utterly limp and lifeless. Every year after that, she put in her appearance at my office, and year by year, I saw her raven head turning gray with hope deferred. Continuously for ten years, long after I was out of office, she came to see me. The last time she came she could scarcely be brought over the mountains and walk up the steps to my office, so frail had she become, yet until her death, she never gave up the hope of freedom for her boy.

Another case that comes to my memory is of a little girl, ten years old. Her father was a skilful workman and had been sentenced for murder. How she got the money to come I do not know, but she came to my office, clean and threadbare and with the dignity of a grown person, and in a quiet voice said to me, "Governor, will you let my father out? He's in the penitentiary. I have to take care of the two little children." She was scarcely herself an arm's length in height. I could not pardon him. She went away and a year afterwards she came, a little bit taller, a little more worn, but

with her blue eyes as expressive and as yearning as before, and repeated the same formula, "Governor, I have come back again. Can you let my father out?" She came from somewhere about Wheeling. I ascertained that her mother was dead and her father had been sent to the penitentiary for eighteen years, leaving this child and two younger children alone. She went to work, got two rooms, and kept the children out of the poorhouse, caring for them as a mother. The third year, a little taller and a little more worn, with a look of sadness that pierced my heart, wearing some little incongruous article of mourning that a child would put on, she told me that her little brother had just died and a neighbor was caring for her little sister whilst she was gone, and would I please pardon her father. I would have pardoned her father if they had impeached me the next day, and I sent her to Moundsville with twenty-five dollars in her pocket, with a full, free and absolute pardon for her father. Furthermore, I sent a messenger with her to the penitentiary, with the order to deliver her father to her. Such love we only see in women.

The only act that I look back upon during the governorship as not exactly as dignified as it should be, was in connection with the pardon department of my office. There was a man who lived in an adjoining county to Kanawha, who was a rampant Democrat, loud-mouthed and vulgar. But the blatancy of his Democracy decreased in proportion as the permanency of the Republican majorities obtained in the land. When no longer could his moral character sustain his persistence as a Democrat, in the face of the Republican majorities, he went over,

body, boots and breeches, to that party. I seemed to be the especial subject of his animadversion. He never let up on me. In season and out, his virile, vicious tongue was against me and the Democratic Party. He was a Republican of Republicans, the loudest bagpipe of them all. He got into an altercation with a fine Democrat in the town in which he lived, and the latter shot him very severely. I was in Parkersburg at the time, and I immediately sent a telegram to the man who had done the shooting, which was as follows: "Understand you have shot (we will call him Smith). Wish to officially inform you it is not an infraction of the law of West Virginia to shoot this man and I hereby wire you an absolute, free acquittance and pardon for said shooting. You are to take this telegram to the Judge of your Circuit Court, and Prosecuting Attorney of your county, and say that I, as governor, request that no indictment be made, for if one is made I will immediately pardon you out of hand and this is your warrant for so doing. It is no crime to shoot this man in West Virginia. W. A. MacCorkle, Governor." This action was undignified on my part but you will agree with me that it was very human.

At one time I received a letter from the wife of a convict, making a desperate appeal for the pardon of her husband, who had been in close confinement for five years. The gist of this appeal was at the end of the letter, wherein was the following remarkable statement. "Now, dear Governor, please let my husband come to his wife and little children, we need him. He has one little child three years old and another one two years old and he has never seen either of them."

I once had a strange Jean Valjean experience in a pardon case. In a certain county of the state there resided a most reputable man and woman. They lived on a fine plantation in a rather secluded portion of the county. They were patricians in appearance, well to do and highly respected. The man was worth at least one hundred and fifty thousand dollars and they lived comfortably and well. He took a great interest in politics but never such an interest as made him unduly prominent. He never would go to a Congressional or State Convention which would take him out of the county. His interest was rather quiet and he was efficient if not prominent. One day he came to the door of the Executive office at Charleston, looked in, saw some people and hurried away. It was the first time I had ever seen him out of his county. In about an hour he came back, and no one being there, he immediately came into the office and shut the outer door. He then shut the door between the secretary's office and the executive office and walked over to the window and looked around to see if anyone was in hearing distance of the window. Satisfied, as to this, he drew up his chair close to me and I saw his face had a hunted, weary look. He was white and ashen, with the appearance of a man who had had no sleep and was in deep trouble. He talked to me in a whisper. He said, "Governor, can I talk with you right down on your heart?" I replied, "Certainly." He said, "Will nothing be heard of it?" and looked about him in that furtive way. I said, "Certainly not." He gave a great sigh and said, "I want to talk to you about something that is dearer to me than my life, and

I want it to be held strictly between you and me." I told him again that it would. He got up closer to me and almost in a whisper said, "You call me — —," mentioning the name by which I had always known him, "but my name is — —," mentioning a name I had never heard. "I am an escaped convict from another state under sentence of imprisonment for twenty years." If a bombshell had burst in that office at that time I could not have been more astonished. I had known him for fifteen years and his name was the very synonym for respectability and high standing among his people. I said, "You must be a little off today." He said, "No, I am not off. I am a convict and I am here to tell you all about it." I looked at him directly and saw he meant what he said. He said, "I am here to tell you all and I will give you my life's history. When I was a young man I was deadly in love with the lady who afterwards became my wife. She was afraid of me because I drank whiskey and was wild and she hesitated about marrying me. Her people were of the utmost respectability and so were mine, but at last I persuaded her to become my wife. I promised her I would never again take a drink of whiskey and upon that promise she married me and for awhile I was perfectly regular. Two or three months after I married her I broke over and got drunk and went to a disreputable house and in that house I got into an altercation with a drunken man. Later that night the man was killed. I had nothing in the world to do with it, but to prove that fact I was required to tell where I was, and the alibi to save me would have shown I was in that disreputable house, drunk, and that would have forever parted me from the woman

I loved better than my life. When the case came on I had the best lawyers in the state, as my people were well to do and able to employ good lawyers. I did not want to make my alibi that would show that I was in the disreputable house, intoxicated. The lawyers assured me that I could safely take the risk and that the jury would not convict me upon the testimony before it. Upon that assurance and being willing to take any risk rather than destroy my wife's confidence in me I went into the trial and did not prove where I actually was, which would have been conclusive in the case. To my amazement, and I will say to the amazement of everybody, the jury returned a verdict of murder in the second degree and sent me to the penitentiary for twenty years. I had made my proof to the jury so it was hopeless to take the case to a higher court. I was sent to the penitentiary but the confidence of my wife in me by reason of my not having proved that I was in the disreputable place, was unshaken. I went to the penitentiary and in a few weeks by bribing a guard I walked out of the prison. I came to your state and in about a year and a half my wife joined me. I bought a farm and have lived there ever since under an assumed name, the name by which you have known me. I occupy a most reputable position among my people. I have never gone out of the county or the state since my coming here. Two children have been born to me, a boy and girl. They are about eighteen years old, educated, cultivated, and do not dream that their father is a convict and the name under which they live is an assumed one. The people who are on the other side of the murder case are rich and they made a search for me and have never

given it up. As a matter of fact, some of the detectives have been in my county. This has gotten hold of me until it is an obsession. As I have grown older and my children have arrived at years of maturity, I am haunted with the fear of arrest. When I go to bed at night, and awake in the morning, the spectre of imprisonment is before me and I think of what the effect will be upon my dear boy and girl. The fear is ever present with me. My girl is about to be married and I am being asked about my connections and my relations, where I came from, and who my people are. I cannot tell a thing. As far as my people are concerned I am a man without a country. My wife and I have talked it over many, many times, and I cannot stand the suspense any longer. I keep in touch with my own state as far as I can and every once in awhile they are stirring up the subject of my escape from the penitentiary. Every time I go to town and whenever I hear a door open, when I arise from my meals or see a stranger come to my house, I see a spectre of a sheriff coming to convey me back to the penitentiary. I do not sleep. A stranger on the road causes me to break into a cold sweat. I was plowing the other day and I saw a man hunting. I left my team all day without food or water, with the harness on, and hid in the woods. A neighbor coming to my house at night fills me with terror. None of the neighbors suspect for one moment what I have told you. No one else suspects it but I do not sleep. My life is a life of horror and suspense. My wife and I have talked it over and we have agreed that I would come to you and tell you all and ask you to try and procure a pardon from the Governor of my state, whom you know, and if you do not get

the pardon from him I am ready to go back to the penitentiary. Any punishment is preferable to what I am enduring and my wife agrees with me. My children will never know where I have gone. Nobody but you and my wife will know. I will just fade away." I looked at him. His face was almost in mine, his eyes were turned on me with the intensity of a man possessed by an overwhelming power. I listened to him with incredulity and showed it in my face. He said, "Governor, what I have said is true. It is not foolish, but if you were in my situation with my children, with that hanging over you, you would understand my terror. I have settled my affairs, I have deeded my property to my wife and have fifty dollars in my pocket. I have packed my grip and have given up my beautiful home and have quietly departed from my wife and children never to see them again, because when the twenty years is gone I will be dead. It will be better for me to go and they will not know where I am. It is better for me to end this terrible suspense."

I said I would think about it until tomorrow. "No," he said, "you must attend to it right away, because I might be arrested tomorrow. You must go to the Governor with the understanding that if you do not obtain a pardon that you will bring back with you a bailiff and he will take me to the penitentiary from which I escaped. I will wait for you at a station in the state where this occurred so I will be within their jurisdiction. I will there wait for you."

I tried to persuade him from this plan but he was adamant. He said, "My wife and I have considered this thing fully, and we want to get away from the spectre that has been haunting us for eighteen years."

When I considered the man's misery I threw aside an important engagement and within an hour I was on the train, on my way to the governor of the state from which this man had fled. I went to his private office, away from every one, and said to him, "Governor, I want to tell you a strange story and I want you to do as I ask you." We had been great friends. He said to me, "Anything that would be within reason I will do for you." Then I poured in his ears the whole story of this man's life, more than I have here recited. I gave him the exact names and dates and where the man had lived and where he was now waiting. I informed him that he was at a little station in his state which was on the railroad leading to my home, and if he could not be pardoned, I wanted a bailiff to come with me from the penitentiary and arrest him and bring him back for his lifelong incarceration in the penitentiary. He was waiting for me. I spoke very earnestly to the Governor and we had tears in our eyes when I finished. He said, "I will do all you ask and will pardon this man right away. Instead of taking a bailiff back with you, you can take him a full and unconditional pardon." That day, with my heart full of joy, and with the pardon in my pocket, I got on the train. Near nightfall I looked out at the station of the little town where my friend said he would wait for me and saw his lone figure, with his little grip in his hand. The car landed just opposite him and I waved the pardon and going up I handed it to him. He took it in his hands without seeming to know me, held it, said not a word, but pressed it to his lips. The train only stopped a moment. I reached up and pat-

ted him on the cheek with my hand, got on the train, and there ended the strangest case of a pardon that I have ever known.

I had a most interesting experience with Senator Cullum of Illinois concerning a pardon. I always thought that he was one of the real statesmen of the generation. He looked very much like Abraham Lincoln and followed somewhat the Abraham Lincoln line of conduct. He was one of the most modest men, notwithstanding his ability and great position in this country. When I was Governor he sent me a letter asking when he could come to see me about a matter in which he was greatly interested. Senator Cullum was an old man and I immediately replied I would make it my pleasure to come to see him rather than make him come all the way to West Virginia. In a few days I was on my journey, and found he was in great distress. A near kinsman of his had killed a man in West Virginia and had been convicted of the offense. He was the son of a man who had been of inestimable benefit to him and who had taken care of him when he was a young man. He felt almost as if the boy was his own son. After explaining it all to me, in the most deferential way he said, "If there is any way you can see your way clear to give the man a pardon, as it was done in the heat of the moment, I would be more than gratified." I replied that the nation owed Senator Cullum a great deal and I would be very glad to furnish this small item in the compensation for all his years of exacting service for the people. I said that if there was any way I could do this without prostituting my oath of office, I would gladly do it and would let him know in a few days, when I got back to West Virginia.

I went home and found out I could easily do what he wanted me to do and as a matter of fact I found that it was my duty so to do. I granted the pardon and he told me in the future to come to him even if I had the King's head in my hands. He said this very quietly but he meant it.

Years afterward, in the whirligig of time, I became interested in a matter which came up in the State of Illinois, and it became necessary for me to call on Senator Cullum to go with me and see President McKinley. I went to Cullum and told him I had the King's head in my hands and that I needed him. He immediately called his secretary to notify the President that he would call on him in a few minutes. I said, "Is President McKinley there?" "Yes," he said, "he will be there when we call. I can assure you of that proposition." We got in the carriage and went over to see the President. All the way over Senator Cullum was silent, once he reached over and put his hand on my shoulder and said, "I am glad of this opportunity to repay your kindness to me." I noticed when we got to the White House we were the cynosure of all eyes—a Republican Senator with a Democratic Governor. President McKinley was in a Cabinet meeting (as I remember), but he withdrew in order to see us. I saw that even the door-keepers in the house were particularly pleased at seeing Senator Cullum, and that the President's secretary was all smiles. The visitors, Congressmen and Senators, and important men who were in the inner room, seemed surprised, and we were the object of universal interest. The President came out of the Cabinet meeting and shook hands with us and said, "Senator Cullum, I am glad to see you," and Senator

Cullum said, "Mr. President, I am glad to come," and immediately we went in conference. The President seemed to be anxious to do anything that Senator Cullum wanted, and largely acceded to his request in the matter. It cropped out here and there that Senator Cullum's visit to the President was a matter of such importance that my interest was excited. Senator Cullum turned around when we got out of the carriage and said, "Governor, I did that for you and I would not do it for any other man on this earth." I expressed my appreciation, but did not quite understand the situation. When I got to my hotel I told a prominent Democratic Senator of my visit and the interest it excited. He turned around and looked at me with astonishment, saying: "Did you take Senator Cullum to the President's house?" I said, "I did." "Well," he said, "no wonder they looked at you and Senator Cullum. Senator Cullum does not visit the President, and the President, I have no doubt, esteemed it the greatest work you could have done to cause Senator Cullum to make the rapprochement. They have not had anything to do with each other and it has caused President McKinley much trouble and much sorrow. It has split in two the party in Illinois, and it is a matter of vast importance to the President that Cullum came back."

I told him I had no idea I was the means of getting the Republican party together, but I asked Senator Cullum to do me a favor, which was to ask the President to do a certain thing, and I saw he considered it important. "Yes," said the gentleman to whom I was talking, "it was important to him, and it was important to McKinley, for he had not spoken to McKinley or had anything to do with him for six

months, and it was the cause of vast political inconvenience. You brought them together." It was rather a funny episode for a Democratic governor to be healing up breaches in the Republican ranks. It was the only occasion in a long lifetime of politics that I have ever pled guilty to the indictment.

Anent the question of pardons, I had a somewhat suggestive experience a few days after I was inaugurated. An old Democrat worker by the name of Webb, whose object was to get as many Democratic votes in the ballot box as possible, and who was not as particularly careful as he should be as to the means of getting them in, had been indicted in the county for sundry irregularities at the election at which I was elected governor. The "irregularities" aforesaid were grossly termed bribery by the Grand Jury. Two or three days after I was inaugurated he came in my office at 10 o'clock in the morning and stayed there until noon. I had that day a long stream of visitors continually coming and going. Webb sat in the outer office and occasionally would come to the door and look in as if to see whether or not I was actually in the governor's office. Finally about 1 o'clock, sticking his head in the door, and seeing no one present, he looked at me in a longing manner and remarked, "When I wake up at night and think of those nineteen indictments against me, it is a great comfort to me, to know that you are really governor of this state."

Discussing pardons by the governing executive, or by a board representing the executive department, recalls a case in which I was interested in Canada, which, by reason of the associations, was unusual. A great-great-grandson of John Marshall had been con-

victed of murder in a superior court in one of the western counties of Canada and was sentenced to be hanged. His people were my friends, among the best people in this country, and so without fee, I interceded for his pardon. After obtaining letters of introduction from one of the Justices of the Supreme Court of the United States, from the Chairman of the Committee on Foreign Relations in the Senate and House, from the Attorney General and Solicitor General of the United States, from many of the prominent senators and members of the House who were on the Foreign Relations Committee, and from many other important people, I approached the matter with some confidence.

It was just at the beginning of our entrance in the World War. The man had been convicted in the Canadian Court, which, by reason of their care in and about the law, is a most serious thing, far more than a conviction in the American Courts where it is subject to popular feeling. A person, however guilty, who has the opinion of the public in his favor, is rarely punished in this country. In England and the British colonies, public opinion does not have that potency. When a man is convicted under the English law, he is generally punished.

The man I mention was convicted of killing an officer and inspector. Any kind of homicide is seriously regarded by the English law, but the killing of an officer especially so. The testimony in the case was that the man was being deported from Canada and the inspector allowed him very great freedom of action. The young man did not want to be deported, and walking to the door of the compartment pretending to want a drink of water, he stooped down, took

the inspector's pistol out of the satchel which was open, and turning around, pointed it at the inspector and said, "I am going to escape." As he said that and backed away to jump out of the door, the car gave a jump, and the trigger of the pistol, which was a hair trigger, was touched. The pistol was discharged, wounding the inspector, who later died. The young man, immediately threw down his hands, not attempting to escape, and said: "I did not intend to do that. There was no occasion for it. It was an accident through the jostling of the car. I intended to back out and jump out of the door." The witnesses corroborated the statement of the prisoner by saying the car did give a lurch at that time and that his arm flew up. The whole testimony was very strong to the effect that it was an accident, pure and simple. But, there was the English law, and the prisoner had killed an officer. The young man had no friends and no money and was sentenced to be hanged. Rather than appeal to his respectable friends in this country, he suffered in silence and was going to his doom without opening his lips, but through the press in the United States his people became cognizant of his situation.

I went with all the potency of the most influential endorsements in the United States to obtain his freedom. I found out the matter was before the Grand Counsel of Canada. The Grand Counsel is presided over by the Governor-General, and it is composed of the officers of the Government, practically the Cabinet. Any appearance before this Counsel was exceptional. It was presided over by the Duke of Devonshire, a most interesting person. All of the officers of the Cabinet were there, and the

appearance of an American before the Cabinet, or counsel, for a pardon, as I say, was unusual. To me it was a most impressive occasion. They were in a vast vaulted room, and sat around a magnificent oaken table. It was peculiarly an impressive occasion and all of the English love of precedent and show was exhibited there. Striking my hands on the table, I closed my statement with these words. "As I came here on my journey, just out of my city I saw 5,000 American troops being mobilized to support England in her contention against Germany. As I journeyed through the Valley of Virginia, my birthplace, I saw another great mobilization of Virginia troops being trained to cooperate with Great Britain in this war. I want to inquire if the greatest dependency of Great Britain, speaking the same language with us, and having the same customs, our nearest neighbor, on the eve of this great war in which we have joined, proposes to hang the great great-grandson of John Marshall, the greatest exponent of English law that ever lived. Are you willing to break the great traditions of neighborly kindness and do that which would lessen and weaken the cords of friendship at this time when every heart-string should be tightened? Is Canada willing to take this great risk?" There was a great silence around the board. I saw the situation affected them. Not a word was said. I bowed and left them in solemn session.

About an hour subsequent, the Duke of Devonshire sent his equerry to ask me to dine with him. I of course complied. His secretary and military attaché came for me in the government car, with the flag of England and Canada floating over the machine. I was received by a half dozen bewigged and bestock-

inged flunkies and ushered into the presence of the household. The Duke received me with all the kindness and courtesy of an English gentleman. He took my hand, and said, "Governor, I want to show you as much honor as I am capable of showing anyone, and I have asked you to dinner with the Duchess and my family and some friends." I was taken in and introduced to ten or fifteen ladies and gentlemen, many of whom were British nobles, and with the American breeziness I went in to have a good time. I was asked to lead Her Grace to the dinner table and we sat down, the Duke, at the head of a long table in the state dining room, and I at the right of the Duchess at the foot of the table. There was a vast deal of formality and I felt a little overwhelmed, but I always go everywhere with the idea there is nothing higher than an American gentleman, and that he can reach any height easily. The Duchess began the conversation by speaking of the difference between English customs and American. That gave me the opening and I discussed the question with her. "Now," I said, "you will understand that I do not mean to nudge you in the ribs with my elbow, but I want to talk to you as an American gentleman who thinks that by a good woman, and only by a good woman, is he exceeded in courtesy and class," and from that time on I talked to her as I would talk to any woman of the United States with whom I was acquainted. She was the daughter of an Earl who had been Governor-General of India and of Canada. The formality of the dinner table was done away with and the Duke kept saying to the Duchess "What does he say? You are having such a good time down there." She said, "We are indeed."

We had a splendid, not to say hilarious, time, and I suspect that this was one of the few times Her Grace, the Duchess of Devonshire, was approached by one who thought he was her equal in every sense of the word. Her own conversation was on the same level.

It was one of the most pleasant dinners I ever attended. A Countess was on my left and an Earl just beside me, and despite the reputation for formality of the English, it was all so delightful. After the dinner was over and the ladies had retired, I sat and talked with this representative of the long line of English aristocracy. I conversed with him for an hour. I found, although he was the Duke of Devonshire, with all his immense prestige, and surrounded by all the glamour of the most powerful house in England, that he was in reality a simple, earnest and able man, who deserved the respect and the courtesy of the men of the United States.

The result of my meeting with the Grand Counsel was that the man's sentence of death was commuted to life imprisonment. About two and one-half years ago I went there again and asked to have him pardoned, but this was refused. I was informed that commutation of a capital sentence is not usual and that I had reached the utmost limit. Since then he has been pardoned.

CHAPTER XX

THE GOVERNORSHIP CONTINUED. MY CONTROVERSY
OVER THE TARIFF. GOVERNOR CAMPBELL.
WILLIAM L. WILSON. PRESIDENT MCKINLEY.
MARK HANNA. GEORGE COX.

A DEVELOPING state such as West Virginia occupies all the time of the Governor. There are matters continually arising outside of his normal duties. In a state as filled with debatable questions as West Virginia, politics, like the poor, is always with you.

One of the greatest controversies in which I was involved during my governorship, was my contention with some members of my Party as to my position on the tariff. I was in favor of a tariff for revenue with its incidental protection. This was the ancient and true Democratic doctrine. While I believed in a revision of the tariff, I wanted a fair revision. The policy of President Cleveland looked to a change in the Democratic doctrine. He was in favor of free raw materials, and while I agreed that it was to the interest of the whole people that we should have free raw materials, still I did not believe that the whole change of policy in the Democratic Party should be borne by the State of West Virginia.

I contended that the free raw materials mentioned struck at the immediate prosperity of my state, and although the policy of protection was still being

adhered to in the country generally, I believed that it was wrong to burden West Virginia with the whole of the tariff revision. Mr. Cleveland believed that we should have free raw materials absolutely, no matter whom it hurt. The theory upon which I went, and the men who trained with me, was that the bill should deal fairly with the country at large, not portions of it. We contended that this proposed tariff bill of 1892 was not fair and wished it in part modified. Any theory, of course, is indefensible which takes money out of the pocket of one man and puts it by law into the pocket of another. I do not believe in the doctrine of protection, but while protection was the theory and practice of the country, I believed that West Virginia should have its fair share. The bill which was offered left everything which came from West Virginia on the free list and everything that West Virginia needed on the tariff list. West Virginia sold all her products at free trade raw material prices and bought all that she needed at the highest protected prices. That was not fair to the state. It was the protective theory as a general plan. There is no more true saying than that of General Hancock,—that the tariff is a local question! The tariff reformers remind me of old Judge Coalter, who back in the beginning of Virginia was a member of the General Court. He came over from Richmond to hold Court in our western section, and began by rigidly carrying out the law here as he did in the eastern sections of the state. This was utterly out of place with the newer civilization in Western Virginia. When he was giving his instructions to the officers of his court, a rugged old Kanawha frontiersman remarked to him,

"Well, Judge, I want to say to you, that you are just putting in your coulter a little too deep." A coulter is a small sharp plow point. That is what the Ways and Means Committee were doing to West Virginia.

When the bill first came up a number of the most respectable persons of West Virginia, without regard to politics, were in favor of modification of the bill, and we went to Washington to protest. This was my first acquaintance with Mr. William Jennings Bryan. On that occasion we had a rather acrimonious passage of arms, which at intervals, on many subjects, recurred for thirty years, although we were good personal friends. This occasion gave my enemies, and I had hosts of them, opportunity to say that I was not a Democrat, because, forsooth, I differed from them on the schedules of a bill which was not yet a law but was only offered as a law. I made a campaign upon this question. I showed that Mr. Wilson himself had been for the tariff on coal and that as a matter of fact, all the leaders of the Democratic Party had been for a fair tariff on our raw materials. It was the subject of a great fight. Many of the so-called state leaders attempted to read me out of the Party. The result was, however, that the Democratic Party in Congress adopted the view which I held and passed a fair tariff as to the products of West Virginia.

Mr. William L. Wilson, of West Virginia, who led the tariff fight in this period in Congress, was a very distinguished man. He had been a Confederate soldier and he was the first scholar in politics with whom I was well acquainted. He was a brilliant speaker, classical and precise in his language, and one of the most illuminating exponents of the tariff I have

ever heard. I was with him in the campaign of 1892 and to a considerable extent in the eastern panhandle and in the eastern portions of the state, and I learned to know him very well. He was shy, but when you became acquainted with him, he was one of the most pleasant and affable of men. We had a number of conversations on the subject of public speaking. My practice when I came into a community was to get hold of the local questions which were affecting the party and endeavor to get them together and to eliminate all local questions which would hurt in the election. Mr. Wilson did not adopt that policy in his speeches. He prepared his speech beforehand, and in that campaign he always made the same speech. He made it literally every day, everything following in regular sequence. There was nothing of a local character and no endeavor was made to work out a local question. In our conversation, I held to the view that a speech had better be prepared along the general line and be filled in with the local position of the party well tied in it. He said his system was, and he found in his experience it was best, to adhere to one speech absolutely, because the speech you prepared in your closet was the result of your best thinking and most deliberate consideration—the speech prepared elsewhere was the subject of the thought of the hour and of the local consideration and you were not always sure of your ground. He gave us an illustration of his position, by relating an anecdote of an old lady who said that her pastor on Sunday made a beautiful sermon. She was asked what he spoke about, what his text was, and whether it was in the New Testament or the Old Testament. She could not remember about those im-

portant questions but said she was pleased with his sermons because the pastor pronounced "Shalmanezer" so beautifully. Now, Mr. Wilson said, if you have "Shalmanezer" in your speech and pronounce it well at the right time, it will have an effect which will be remembered where the local speech will be forgotten.

We discussed most carefully the question of easy approach to an audience, the taking of your hearers into your confidence, and the avoidance of familiarity, while at the same time you were cordial with them. Mr. Wilson was a master of all of these questions. One thing he said which I have always found to be true. The prevalent opinion is, that the people, the voters, prefer a man of careless and easy manners and familiar approach, as well as a man rather carelessly dressed. This is a mistake. They do not like such a man. The people like to vote for a man who is cordial, not a snob, well dressed and dignified in his approach. In other words, they like to vote for some man who seems to have more knowledge than they have themselves. They like a man of dignity and good manners.

Mr. Wilson was an old-time gentleman. He told me a little incident that occurred while he was making speeches in Boston. After he had gotten through with a speech, and was being presented to the notables, a bald-headed man, with a large mustache, approached him. Mr. Wilson said: "Now, Mr. Mayor, don't introduce this man. He is W. L. Douglas, the Four-Dollar-Shoe man. Mr. Douglas, I want to know you and get acquainted with you and find out why you make better shoes than any one else." Douglas had lived in Charleston at one time.

So it eventuated after the speech that he did meet Mr. Douglas and that he had a most pleasant conversation with him. Douglas told him all about the philosophy of shoes. How the lasts were made, the peculiar broad sole of one section, the large ankle bone of another, and the slender foot of yet another section. He said that he made the same lasts for the high-class women of Virginia, Maryland, Alabama, North Carolina, South Carolina and Georgia, that he made for the same class in New England. In other words, that the New England women and the women of the South were of the same physical type and class. Now, that is a fact which I have myself noticed, although people do not agree with me. There is a close relationship, so far as physical and mental characteristics are concerned, between the people of New England and the better class people of the South. They are diverse in many things and their environment and birth have made a difference, but they are essentially more alike physically and mentally than are those of any other two sections of this country. This has been my observation.

Mr. Wilson had a most distinguished career. After his Congressional life was finished, he was Postmaster General in Mr. Cleveland's Cabinet. Afterwards, he was President of Washington and Lee University.

I was lately dining with Major Geo. Haven Putnam, the President of the great publishing House that bears his name. He is a most delightful and companionable man. He mentioned that more than a half century back, he had had some campaign experience in Virginia and in West Virginia. His thought was so clear and his manner was so energetic

that it was difficult to believe that he had had man's responsibility sixty odd years back. He suggested that St. Peter must have forgotten him, but that he proposed to go on with the matters that presented themselves from week to week until the call came. The Putnam House has won distinction on both sides of the Atlantic. It is now the oldest publishing concern in the United States under one name and management and the English House, founded in 1837, the oldest American House on the other side of the Atlantic. The Major told me of a conversation that he had had with William L. Wilson.

"Some time after my friend Wilson had retired from political life and had accepted the dignified position of President of Washington and Lee University, I had the privilege of being a guest at his home in Lexington. My daughter and I had gone to Lexington by rail, taking our cycles. We returned a week later, cycling northward down the beautiful valley of the Shenandoah, a region in which I had had a series of Civil War experiences. I had marched through the Valley as a (more or less) ruthless invader, and after the battle of Cedar Creek, I had tramped the length of the Valley to Staunton as a discouraged prisoner. My friend Wilson was one of the very best of the men that the South sent to the front after the war. He was clear-headed, forcible and sweet-natured. He had time, I do not know how, for a large amount of reading and was well-informed not only in the history of our own country, but in matters connected with the world's history. I heard him once in Washington, when Lodge was still a member of the House of Representatives, quote to the House and to the historian himself, passages from one of

Lodge's books in correction of statements that Lodge had just made on his feet. Said Wilson, dryly, 'When the honorable gentleman from Massachusetts has his pen in his hand, his utterances carry with them some sense of responsibility and trustworthiness.'

"The implication was clear, Lodge speaking on his feet was too often a partisan and not infrequently irresponsible and unfair.

"On the morning of my arrival in Lexington, I was with Wilson in his study. I noticed on the mantelpiece an old pistol and, with the natural curiosity of a veteran, I went to the fireplace to examine it. It was a Colt 5-chamber revolver. I noted that one of the chambers still contained the bullet and mentioned this to Wilson, who was sitting behind his desk.

" 'Yes, Major,' he said, 'I fired off four bullets at the Battle of Sailors' Creek. This was the last battle of the war when the surrender of Ewell's Corps foreshadowed the surrender of Lee's army. We-uns (Wilson was apt to fall into the vernacular when he was speaking of Civil War times) gobbled it from you-uns, and as I was the youngest of the company they gave it to me. I kept one bullet as a reminiscence of my last battle.'

"As Mr. Wilson was speaking, I lifted the hammer and noted on the nipple of the old pistol, blackened by age so that it was just the color of the nipple, the percussion cap. Percussion caps are deceitful things. A nice, new, clean bronze cap would, from time to time, fail to go off when very much needed; while some ancient cap, blackened with age, would, not infrequently, carry enough percussion powder to be capable of mischief.

"Wilson had brought up a group of youngsters and the family belongings had been moved a number of times. The pistol carrying a load in the chamber and a cap on the nipple had through the years been thrown every which way and no Wilson had been killed.

"Wilson started when I mentioned the percussion cap and began to say 'impossible.' I took the pistol to his desk and showed him the cap, and he was very much taken aback. I pried off the cap with my pen-knife and then, with a feather-pen, dusted out of the nipple the scraps of percussion powder. The pistol was then replaced on the mantelpiece where, notwithstanding the ball in one chamber, it was now, of course, perfectly safe.

"Through sheer inadvertence, and not because I could have been willing to bring any trouble upon my host, I mentioned the matter at the lunch table to Mrs. Wilson. She, not unnaturally, broke across the table at her husband:

"'William,' she said, 'I always knew you were a careless kind of a man, but you oughtn't to let a Yankee come to Virginia to tell you so.'

"In certain smaller matters, Wilson may have been, as his wife described him, 'a careless kind of a man,' but he possessed the material for a statesman, and if he could only have retained his health, which had been largely broken by his long fight in behalf of the Wilson tariff bill, he certainly would have been able to render further great service to his country."

While I considered myself entirely vindicated by the action of the Party on the tariff, every now and then some editor who differed with me thirty-one years ago as to certain schedules of the bill that was

proposed by the Ways and Means Committee, still attempts to throw me out of the Party.

Just at the time whilst I was having my trouble about the tariff in West Virginia I went over to Ohio to make a speech at a great meeting of the army of West Virginia, which consisted of soldiers of the Civil War from West Virginia, western Pennsylvania and Ohio.

McKinley was then Governor of Ohio, and knowing and appreciating the fight I was having over the tariff in West Virginia, he facetiously alluded, in introducing me, to the McKinley bill as "our bill." This sally was greeted with a roar of good-natured laughter. I took a large part of my time in explaining to the old soldiers that I was for the Union and the flag, yet I had not gone so far as to be made one of the fathers of the McKinley bill. McKinley thoroughly enjoyed my situation. I have known all the presidents since, as well as President Hayes, but President McKinley was the sweetest and kindest man I ever knew who filled that exalted place. I knew him well. Generally when a man attains the Presidency, all the sweetness is burned out of him in the long fiery journey to the White House. This never happened to McKinley. He did more to bring the North and South together than any other man during my time. His speeches during his visit to the South were models of patriotism and non-sectional feeling. He was a great citizen, but above all of his greatness he impressed me as a kindly man.

His sweetness of disposition was illustrated by an occurrence which happened to him and me while he was Governor of Ohio. The merchants and dealers of Ohio had a habit at that time of taking statements

from West Virginia merchants setting out their worth and responsibility. These statements were filled out by the Ohio people and were designed so they would be caught by the decisions and statutes of Ohio against fraud. When our West Virginia merchants neglected or were unable to pay, they were indicted in the courts of Ohio as having procured credit by fraud. The parties went to the Governor of Ohio, obtained a warrant directed to the Governor of West Virginia, who gave full faith and credit, as was usual, to the acts of a neighboring state. The West Virginian under that warrant was taken to Ohio and money was wrung from him, which oftentimes he did not owe. In other words, the criminal courts were used to collect money. I protested to Governor McKinley against this procedure. I was indignant at him because, he, without examination, issued warrants for these people. I wrote him in the most vigorous manner and asked him to investigate his warrants. He promised me that he would do so. Finally a West Virginian was put in jail on an extradition warrant from his office which was on a trumped-up fraud case. I wrote him an indignant letter and he promised me it would cease. It occurred very soon again, whereupon I told him that in the future my office would refuse to honor any communication from the Governor's office of the State of Ohio.

That was very strong language from one governor to another, but I meant it. Instead of replying in kind I received from McKinley a letter written in his own hand which was one of the kindest and sweetest that I have ever received in the whole of my official and professional life. I would like to publish it, but

a large bundle of interesting letters from distinguished men were put away by me so carefully that I cannot find them. He said he knew that I had been treated very badly but that he had been running for the Presidency and he had neglected the routine work of the governorship. Then followed a long letter of the kindest personal nature, discussing fully the cares and the responsibilities of the office of Governor and the temptations of politics, saying that he was at fault entirely and that the incident should not again occur. He said he had gotten my man out of jail, and the whole letter was filled with personal expressions of regret at the circumstance. The letter could only have been written by a real gentleman and it disarmed me completely.

Most governors would have written an indignant reply to my vigorous letter and that would have been the end of it. Instead he wrote the letter of a kindly man.

I have always thought that McKinley's term in the Presidency was one of the most important epochs in the history of our country. In the first place, it marks the high water mark of corporate wealth's influence upon the Government.

In the second place, there was the war with Spain. This epochal war changed the whole current of American feeling. The United States up to that time had been devoting its attention largely to matters within itself. This war gave the country the first opportunity it had enjoyed for a half century to look outside. It was a break with the past. The Civil War tradition with its sectional feeling, with its professional Union and Confederate soldier, was giving way to new men, new occurrences,

and new ideals. From that time on the United States was interested in the affairs of the world. As a matter of fact we should have taken a hand, long before this time, in West Indian and Caribbean affairs. We had allowed Spain to continue for a century to hold a perennial slaughter house right at our doorway. Haiti and San Domingo during this time staged a bloody saturnalia, and were the prey of every red-handed libertine and plunderer who lusted to kill and loot. Traditional non-interference had worn itself to a thin edge. Our war with Spain closed this current of thought in the history of our Republic and from this time on we breathed the air of the world. I think that the Gulf of Mexico and the Caribbean Sea should be American lakes and the West Indies by purchase or trade should belong absolutely to the United States. This especially applies to the Island of Jamaica, which lies right opposite the entrance to the Canal. We have been more than patient with Cuba. Cuba's ultimate destiny is to be a state in the American Republic and it will be better for us and for Cuba the sooner that object is attained. The Caribbean Sea and Gulf of Mexico are but the continuation of our shore line of which the Panama Canal is an integral and important part. The talk that this is imperialism unworthy of a Republic is all nonsense. That section of the world is part of our actual being, our very vitals, and the control of the mouth of the Canal will surely become of the utmost importance to us.

I wrote and published a book on the Monroe Doctrine as applied to the Island of Haiti and the Gulf of Mexico, and I am glad to say it has helped somewhat towards carrying out the idea of our con-

trol of that vital body of water and the Caribbean Sea.

That is the sure destiny of these beautiful islands and those wonderful seas. We should no longer spend money or time and give the lives of our people to protecting and policing these islands, but they should absolutely belong to the United States of America. They are right in our life and they absolutely control our trade routes with the world and we can no longer do without the world.

McKinley, for his fame, died at the right time. He seemed to lack somewhat the executive control and the mastery of detail which is one of the absolute necessities of a great president. Notwithstanding his wonderful ability and charm and his admirable personal character I think it is doubtful, even with the sagacious counsel of Mark Hanna, whether he would have been able to have held permanently the high plane which he occupied at the period of his death. The theory of protection, of which he was the chief exponent, and the tremendous influence of corporate wealth, vigorously attacked as it was in the government, would necessarily have brought him into the vortex. As illustrative of the ability of the American mind to assert itself preeminently in any direction it pleases, Senator Hanna, McKinley's manager, is an example. From the desk of a mere engineer of money-making schemes he was able to become, because he wished it, one of the best catch-as-catch-can debaters in the United States Senate. He was one of the most sagacious and far reaching men in the political world.

I remember that when I used to meet him I could not help casting my eyes on his clothes to see if the

dollar mark was on them. This was brought about by Davenport, the great cartoonist, always typifying him in a suit upon which was the dollar mark. As a matter of fact, that characterization of him by Davenport hurt him more than anything which his political enemies ever said about him. When Hanna was ill unto death and it was reported that he would die that night, Davenport, his arch enemy, was on the train coming from St. Louis and passing through Cincinnati. When he heard of Senator Hanna's extreme illness, he immediately stopped his journey, went to the office of the Cincinnati Enquirer, drew and published that night the most magnificent cartoon that I have ever seen. It depicted Hanna, lying on his death bed, with his face glorified by the approach of the dread event, all craft, all scheming, all business, gone therefrom, his face only the face of a man about to meet his God—while above his bed hovered the dim face of McKinley, to whom he had been a pillar of strength. This was understood to be Davenport's reparation for all the things that his facile pen had limned in the papers of the country against this mighty politician.

Speaking of McKinley and Senator Hanna recalls to my mind another interesting personality of Ohio. During my time the political boss reached the zenith of his power. The boss is peculiarly an American phenomenon. No other country produces him in his real ripeness and efficiency. These reflections were brought about by my experience with George Cox, of the neighboring city of Cincinnati. He held the center of the stage in that city for thirty years. It is fashionable to speak of New York as a boss-ridden city, but my experience with this man was that he

held the city of Cincinnati more absolutely in his grasp than Tammany holds New York. He was a very remarkable man. His appearance did not indicate it. He was short, stocky and decisive—in appearance, a middle class Englishman. In everything he did he went straight to the core. He loved power. It was the absorbing passion of his life. Like all men of his type who began at the bottom of the ladder, he desired social distinction, which was denied him. That was seemingly his only weakness. He did not use correct English and was not cultivated, but he knew how to make people understand what he said. At times his control of the Legislature of the state was equal to his control of the City of Cincinnati. I have never understood the boss's power over a whole state. His control over a city can be understood but Cox at times controlled the Legislature and was absolute in his power over three or four governors.

I remember once, that the Governor, by an Act of the Legislature, was to appoint four water works commissioners, and Cox told me and two prominent politicians of the state, that the Governor was complaining because he had not been allowed to appoint all of them. Cox told him that he could appoint one, but he had to know who he was going to appoint. The Governor told him whom he wanted. Cox bluntly told him he could not appoint that man, and that if he wanted to appoint one of the commissioners at all he had to appoint a certain person. Now, this was about an Act of the Legislature, in which the Governor had the absolute power of appointment without the say of any man. He accepted the situation and appointed one man out of the four.

The rest were appointed by Cox, and even the man that the Governor appointed was not to be agreeable to him. If that was not the case Cox would not have allowed the appointment of any one of the four. I do not understand that power. The Legislatures were conducted along the same lines, as were the party conventions. Delegates to the Conventions were chosen as Cox wished, and he voted for them without their being present and voted their sentiments without troubling himself to find out what their sentiments were. They themselves voted his sentiments, not their own. He was part of the phenomena which are unique in our country. He controlled the City, the political, the administrative and the educational affairs, in every detail and essential, even to the selection of the school teachers and the place where they were to deposit their money. He answered to the outside world for the city, and for its policies. In dealing with the city he dealt with it as his own property.

This is an illustration of one remarkable phase of our political life during my time. To show how absolutely he controlled the city and all its interests, I will give a little incident. Governor Campbell and I, at the close of a vigorous campaign, were to speak in Fountain Square at Cincinnati. An immense crowd was present. Campbell was not pleasant with Cox. He had vigorously denounced him in the campaign. I, knowing nothing of local matters, spoke pleasantly of Cox in my speeches, and although I criticized his political methods, I never said anything personally unkind about him. When Campbell began to speak in Fountain Square the street cars began to run through the audience about ten feet in

front of him, and with the clanging of the bells and the whirring of the wheels it was practically impossible for him to be heard. He protested time and again most vigorously against the interruption but it continued and the cars ran through the audience, the police paying no attention whatever to the Governor. This broke the audience in two parts and practically broke up the meeting. Finally Campbell said, "Governor MacCorkle may speak here but I can not. It is a bad situation when a man running for governor of the State of Ohio cannot be allowed to speak in Cincinnati,"—and with this he retired from the platform. I went on the stand and began my speech. The cars immediately retired from the Square and for an hour I had the undivided attention of the audience. In other words, Cox liked me and did not like Governor Campbell and he had the power of showing that by making or destroying a political meeting. Afterwards, at a dinner at which Cox and I were present, he remarked, with a twist of his lip and a wink of his eye that I had a pretty clear field and a fine audience in Cincinnati, and smiled approvingly. He left the impression that it was purely by his will that I had made a speech without interruption.

The power of a boss of a big city is still incomprehensible to me, but I less understand the people of a great state who submit to such rule. This remark does not apply alone to the great state of Ohio, but to half a dozen other states where one man puts aside the vote of the people and arrogates to himself the whole power.

Now, nothing of that kind happens in the South. Senator Tillman in South Carolina, and Senator

Martin in Virginia, for many years had great power over their respective states, but it did not approximate the quality or the quantity of the power possessed by Cox. These men built machines which had great power in politics in the state but they never at any time controlled the fiscal, the political and the administrative affairs, nor did they seek to answer for them. They had preeminent political power, but it was no more than the power that any strong man who gives his whole attention to politics should have in a state. Martin and Tillman and the other leaders in the South had associated with them men whom it was necessary to consult when they did anything, and oftentimes their consultation brought opposite results from what they wished. Here, however, was a man who for thirty years, with few exceptions, ruled every department of the city and oftentimes every department of the state, without consulting anyone.

CHAPTER XXI

THE OLD VIRGINIA DEBT. ROAD BOND AMENDMENT. THE WAR LOAN CAMPAIGN

WEST VIRGINIA during my term had some left-over questions to settle. The division of the state into Virginia and West Virginia left the debt question open, and during my times it was used as a football by the politicians of both parties.

Every man in West Virginia who wanted office said that West Virginia did not owe anything. I said the same thing when I first went into office, but I changed my opinion as I got acquainted with the facts. As a matter of fact the bulk of the money was not coming to Virginia, but to a block of bond holders, and just after I went out of office they completed at Richmond the enabling statute which allowed the bond holders to use the name of Virginia to sue West Virginia. They created a debt commission and began communications with West Virginia looking to the settlement of the debt. Virginia always hesitated to bring this suit, being in fear of the Supreme Court of the United States on the question. After they began their communication and I saw the strength of their case I was in favor of a settlement. I spoke to a number of citizens and they were all opposed to a settlement with Virginia. Their opposition made me afraid to advocate openly the Virginia debt, and

in fact, like many men in public life, I was afraid to face a question which was loaded with political disaster. It did not come acutely to the surface until my term of Governor was over and I had been elected to the State Senate.

When the Attorney General of Virginia, Hon. William A. Anderson, who was the counsel for the Commission, asked me to arrange a meeting before the Legislative Committees to discuss the question, I was not able to obtain a hearing before the Legislature, but did get a hearing before a committee of the Legislature. In this I was assisted by the Hon. A. B. White, who is never afraid of expressing, anywhere, his convictions. The question was brought before the Committee by a very able speech by the Hon. Randolph Harrison, one of the counsel for the Commission. He showed that West Virginia was liable for a large amount, and frankly said he thought the State of Virginia would win the suit. In the meantime, I talked with the Attorney General of Virginia and found out that we could compromise the case for less than a million dollars. I immediately took the matter in hand as the part of wisdom and good sense for the State of West Virginia, and approached a number of Legislators on the question of a compromise on that basis. The argument I used was that it was too much risk to expose the state to such a loss. The debt amounted with interest and all, to between twelve and twenty million dollars.

There was an unanimous public sentiment against the settlement at any price, both on the part of the Legislators and of the people. This settlement we could easily have made and my position was that we ought to assume it. The people opposing this idea

insisted that the people of the state owed nothing and that it was treason for anyone occupying the position of an ex-governor of this state and a state senator of West Virginia to take the opposite ground. They made very strenuous living for me on that proposition. I have before me several editorials attacking me in the most vigorous fashion for attempting to settle with the State of Virginia and accusing me of allowing my Virginia birth to influence my action. I frankly say that I allowed these editorials and the almost unanimous opposition of the politicians of the state to influence me. I did not have the moral strength to allow myself to be accused of selling out the State of West Virginia after it had been so kind to me. What I should have done, and I reproach myself for not doing it, was to have made a bold public campaign in West Virginia and stated the issue frankly and fairly to the people. If I had done so, I would have had my own self respect.

Whether or not I would have had the respect of the people of the state would have been doubtful because the majority was against the proposition. If we in the minority had insisted that the less-than-a-million compromise offered by Virginia was a good thing and had gone boldly before the people we might have done something for the state in the settlement. But the demagogues and the public men were opposed to the settlement, and I frankly say that I did not have, nor did the men in public life in West Virginia have, the moral courage to stand up and receive the flood of opprobrium which would be turned loose upon them. So the people of West Virginia can charge its debt of ten or twelve million dollars to the want of moral courage in their public men.

We could and should have settled at the million proposed by Attorney General Anderson.

When the question arose of amending the Constitution so that the State could issue fifty million dollars of bonds, I did not let public opinion influence me to do something which I believed was against the interest of the State. After mature deliberation I think West Virginia never did anything so harmful to its best interests as when it allowed itself to be bonded for this huge sum of money. I want to make myself understood. I have been in favor of every good public improvement in the state for fifty years. At this very time I was engaged in the campaign for the actual building of the Midland Trail, but I did not believe we should build it by an issue of bonds by the state. Old Virginia has been cursed by being in debt and we had just gotten through the payment of eleven million dollars due to Virginia. Before this burden is paid the people of West Virginia will agree with me that we made a great mistake.

When I opposed the amendment I did it as vigorously as I knew how and by every fair means. The opposition was not so kind. I was met by every kind of personal opposition that could be used. I have a scrap book full of articles assailing me publicly and politically for my position on the road bond issue. The question involving a radical change in our Constitution, where the state was hereafter to be under a colossal and never ending debt of fifty millions of dollars, seemed not to have any importance. I was assailed as no other man in West Virginia was ever assailed on a public question.

A copy of this book may be found in the second-hand book stores and the antique shops twenty-five

or fifty years from now and when the people are sweating under the payment of these bonds so hurriedly issued, some may realize that I and the one hundred and thirty thousand people who voted with me had intelligence and love for the state that was above a mere question of personal popularity.

Let me in a few words state the situation as it now is. The present issue of fifty millions of dollars of road bonds is distributed over a period of twenty-five years and it will require throughout the twenty-five years \$2,000,000.00 to be set aside annually for sinking fund to retire the bonds at maturity. The annual interest charge covering the entire \$50,000,000.00, before any of the bonds have been retired is \$2,270,000.00. This makes a total annual sinking fund and interest charge of \$4,270,000.00. If all the state road bonds are retired at their maturity dates, the amount paid out for interest during the life of the bonds will be \$36,800,000.00 or a total at maturity of the colossal sum of more than *eighty-five millions*. The present annual receipts of the State Road fund for automobile license and gasoline tax is \$6,550,000.00—\$3,750,000.00 being received from automobile license and \$2,800,000.00 is received from a tax of three and one-half cents on each gallon of gasoline. Of the \$6,550,000.00, \$4,270,000.00 is required for interest and sinking fund, and the balance of the State Road Fund is used for expenses in the State Road Commission and for maintenance. The State Road Fund is also receiving at the present time from the Federal Fund approximately \$800,000.00 as Federal aid for roads. This fifty millions of state road bonds has been expended at an average rate of about \$7,500,000.00 to \$8,000,000.00 per year.

Now more than one-half of this eight million that it costs us to build the roads per year is taken up in sinking fund and interest. It is lost,—burned up. Consider this: more than one-half of the amount we expend for roads, or \$4,270,000 each year is taken for interest and sinking fund. And this will continue,—it is an ever-ending burden on the people of West Virginia. If this vast sum was not used and necessary for sinking fund and interest charge, it could be utilized for building roads, and at the end of the period we would have not a cent of debt. If we wanted to supplement that amount we could charge four cents tax on gasoline as Virginia does, or we could make a ten-cent levy, which together would give us as much money as we are expending. We could build as much road as we are now building, and this without a dollar of debt. Old Virginia is doing this and building roads, but she has latterly kept away from bonded debt. I say this in defense of myself and the one hundred and thirty thousand who voted with me against the amendment. Time and experience in the road building business confirms the position which I assumed then. We will require another amendment to the Constitution and it will take at least one hundred million to carry out our plan. Every foot of road which we have constructed could have been built without one cent of bonded debt. We are tied hand and foot to the bond policy now because of the vast sum needed for interest and sinking fund. Yet it is always from experience that we become wiser.

I was under thirty-four when I was elected Governor and of course when my term ended I was still under forty years of age and in the prime of life. I

immediately went back in the practice of law and the exploiting of several sections of the state. The Coal River section was practically exploited by my firm. We substantially built the railroad and purchased a great portion of the lands in that important district.

I was always actively engaged in public affairs, and during the great World War, although too old to enlist as a soldier, I was State Chairman of all the Government Loans in West Virginia and had absolute charge of the collection of all moneys in the different bond campaigns in the state.

This was a real opportunity of testing our Republican institutions. I was the chairman during the whole war. It was a most unique experience in every way. I can not go into it at length in this book. It was a most severe test of the people's moral standing, of the patriotism of the pocketbook. Men will go to war and imperil their lives, but they hesitate about imperiling their financial existence. This has always been true of the Anglo-Saxon people. The wars of England nearly always were about taxation or finance. The Government Loan involved all the questions of liberty, and while it concerned liberty, it took out of the pocket of a man that which he had put in by honest labor. No man likes that, especially when the controlling influence is not to his liking. Here was every question involved. In the first place, many people did not believe in the war; and again, many more were of Teutonic extraction and were not kindly towards it. So, the raising of money to carry on the war or to lend it to those who were carrying it on was not an enviable job. I gave my whole time to this work during the war. I got a

better insight into the people than in all of my intercourse theretofore of forty years. From my experience with them I believe there are just as many people ready to die for the Republic as there were during the Revolution. There is now no necessity for it. The exigencies of the occasion do not call for such sacrifice, but down in the hearts of the American people is a deep and abiding love for this Republic, and a love for liberty. This was shown in the Liberty Loans, in the ungrudging giving up, until it hurt, of the money that had been earned by honest toil. This giving was not confined to one class of people, the well-to-do people. It was inherent in all, the rich and the poor, the lame, the halt and the blind. Oftentimes I had sick people and old people and widows to come with their halting steps to my office and tell me their tale of woe, of their troubles and their sorrows, and then end it all by saying, "I have a little money here, I want to give it to you, because it looks as if the government needs it." Another thing I appreciated as never before was the great moral influence behind the people. There is now a great apparent storm of immorality throughout the country. It has kept up for six or seven years and is attaining greater proportions, but notwithstanding all of that, the core of this people is moral. It does not pay over much attention to law-breaking and immorality because it does not yet think it seriously hurts, but as soon as this American people appreciates that it is hurting the texture of this Republic, it will stop law-breaking and stop it good and hard. The moral perceptions of this people are burdened somewhat by the vast amount of wealth which we have and by the fact that we are so busy.

They do not think about this matter as they would were it directly hurting them.

I want to speak particularly of the Fourth Liberty Loan. The people in the former loans had raised immense sums of money. I had told them in West Virginia that the Third Loan would possibly be the last. They had already given until it hurt. The Fourth Liberty Loan throughout the country was late in getting any impetus. As a matter of fact it was a failure. In West Virginia it was dramatically a failure. The people were adverse to giving any more money. They felt the pinch of their former giving and around them was the terrible influenza, which was like a pall over all. I live on a hill, in the country, and as I came into town I passed by the Chesapeake & Ohio Railway station at the height of this epidemic. There was always at the station a gruesome reminder of the horror of the day in the shape of fifteen or twenty and sometimes twenty-five coffins. You must remember that two other railroad stations I did not see. I went to my office in the morning with a load on my heart. I was responsible for the Liberty Loan in West Virginia. The Secretary of the Treasury was calling incessantly on me and daily I had his vigorous telegrams inquiring as to the measure of my success. The bar, although heroic in its efforts, and to which I wish to render obeisance, was worn out; the banks were night and day trying to raise the funds; but neither banks nor the bar were able to furnish necessary funds with the terrible burden of the influenza upon them. In my desperation I turned to the pulpit. It seemed to me that the question of raising the money for the war was a great moral

question, and I summoned a meeting of the ministers of this section, at Charleston,—Jew, Catholic, Protestant, Christian Scientist and all. I put the matter plainly before them and told them it was a great moral question that was to be met; that the bankers and lawyers and the merchants and the manufacturers had up to that time failed and it seemed to me it was up to them to carry this burden. They considered it quietly and earnestly,—all took up the burden dispassionately and considered it from every angle, then said they were going to carry it through. To that end I sent out four thousand telegrams, and every Church and every Bible Class teacher, every Minister of the Gospel, was told of this meeting and begged to preach from his pulpit upon the importance of this loan to the Republic. And they did preach! From Jewish Synagogue, Protestant Church, Catholic Cathedral, from the little churches up the hollow, and on the Main Streets, the word went out that a great moral question was confronting the people, and that we must have this money, that our civilization was at stake, that it was not for the purpose of waging war, but for the purpose of a permanent and unlimited peace, and that the blessing of God would be upon their efforts. There never was such a response from the people of West Virginia. Never in the fifty years I have been before the people has there been such a change in sentiment.

In this campaign I had some peculiar experiences. When I saw that the ministers were behind the movement, and from every side I was getting streams of encouragement from the pulpit, I considered it important that I should have a speaking meeting in each of the larger cities of West Virginia; Huntington,

Charleston, Wheeling, Parkersburg, Clarksburg and Martinsburg. There should be three eminent men of the three great sects present—the Jewish, the Catholic and the Protestant who would put the question before the people. I approached first the Jewish Church, and Rabbi Bettan, who was in charge of the Synagogue at Charleston and a master of pure English, a splendid speaker full of patriotism, promised me he would represent the Jewish Church and the Jewish people in the meetings. The Reverend J. E. Scott of Parkersburg, a magnetic, incisive talker, was chosen by me to represent the Protestant Church. The Catholic Church had a man who was preeminent, Bishop Donahue. Whether he would accept I did not know. He was an eminent American citizen. He breathed American patriotism in everything he did or said. He was eloquent beyond the lot of most men, had studied in Europe, and withal was one of the most learned men I have ever known. He had an immense practical sense of business and a beautiful quiet sense of humor. Bishop Donahue had written me and told me of his hearty acquiescence in my plan of getting the ministers in the campaign and assured me of the active cooperation of all of the Catholic clergy. That was not what I wanted. I wanted the Bishop on the platform actively with the Jewish and Methodist Ministers in their platform work. This I knew would not appeal to him, because it seemed a showy, spectacular piece of business. I concluded I would see him personally and I did. I said, "Now, Bishop, I want to talk to you and don't you say a word until I get through. I want you to go out and make six speeches before great audiences in West Virginia, and the people who will collaborate

with you will be a Jewish Rabbi and a Methodist preacher." He blew up at this point, and said, "Why, Governor, I am a Bishop of the Catholic Church and you do not want me to go out and make a show of myself. I could never explain it; it would never do, I cannot do it. I will do anything else for your loan but that one thing." "Well now, Bishop," I said, "I want you, and the people want you, and you will bring renewed interest to the loan. It is the right thing to do, and without your active participation on the platform I cannot get along." At last he said he would consider it and would let me know. The upshot of it was that I arranged for six meetings with the Bishop, the Rabbi and the Methodist Preacher as speakers. The first meeting was at Charleston. It was one of the largest meetings held there, because it was the most unique. A Jewish Rabbi, a Methodist Preacher, and a Catholic Bishop were to appear for the same cause, on the same platform, at one time. It excited much attention and various were the criticisms passed upon it. One friend voiced the general opinion of the meeting by an anecdote. He was from New York, and he said this year they were giving a great dinner to the Bishop of Dublin. The Bishop was a very splendid speaker and when some one alluded to the fact that his entertainers were not confined to Catholics but embraced all the denominations, he told a story. He said one of his priests in Dublin was preaching of the Judgment Day. He made a very eloquent discourse, and being generous in his belief, he said they would all be there on the day for Judgment. He elaborated this proposition. After he had finished his sermon and had taken off his vestments and was leaving the

church, he saw waiting for him one of his parishioners by the name of Dennis O'Higgins. As he passed down the aisle Dennis said to him, "Father, I want a word with you." He said, "All right, Dennis." Dennis came up and began the conversation. He said, "Father, you say they will all be there?" "Yes, Dennis, they will all be there for the judgment." "The Presbyterians, will they be there?" "Well," he said, "a good many of them." "All the North of Ireland men?" "Yes, some of them will be there." "All the Dublin men?" "Yes, they will be there." "And the Ku Klux, and the Knights of Columbus?" "Yes, they will all be there for judgment." Dennis reflected a little bit, "Father," he says, "All I have got to say,—there will be damned little judging the first day." That was the general sentiment as to the success of the meeting.

I was there in charge of the meeting, anxious to see how the experiment would turn out. The Bishop spoke first. All the Catholics in that part of the state were there. So were all the Jews to see how their man functioned. Not to be outdone the Protestants packed the rest of the house. It was a wonderful meeting. I never will forget the Bishop's speech, and I mention it not because he was the most effective of the three speakers, but because he was a most interesting man and has now departed. I well remember the appeal he made to the Irish. He said, "The English have not treated the Irish well, and the Irish recollect it, but now is not the time to get even. Not now, not now. The peace of the world is at stake. Now is not the time for the Irish to remember the wrongs the English have done to them. Not now, not now, not now." The words, the tone, and

the manner pierced that audience's heart like a knife. There was a dead silence. Then the old man went on and spoke of the vast destruction which was being wrought by the war, the moral, the material and the religious destruction. It seems he had gone to college in Louvain and the wonderful Cloth Hall had just been destroyed, and the College, and the beautiful bells that had rung their golden notes out to the country. I remember his dwelling on the Bells of Louvain. He stood silent as if he were listening to them and could hear their deep tones chime from the womb of the past. He was recalling the days of his youth when he seemed to hear those bells. His very tone and every action suited the occasion and everyone who heard him, Jew, Catholic and Protestant, felt that he appealed to higher things. I had picked the men to accompany him with some care and judgment. The man of politics shows his knowledge even in spiritual things, of what men can do with the people. The Rabbi was a man of great learning and eloquence and was immensely cultured. He made a most beautiful and touching speech to the effect that while people worshipped God under different forms, He was the same God to all.

The Methodist stirred up the fire in the people. He was designed for that, and in a few minutes they were all standing on their feet. He appealed to high things and to patriotism, and to the fact that this war would determine whether the religion of the meek and lowly Saviour would prevail in the world, or whether the religion of the sword, the spear, and the rifle would predominate. It was an immense success and I went out with a burden taken from my shoulders. So was every meeting they had in the state. The Rabbi

would make the first speech, always a beautiful speech, the Methodist would set the fire under the people, and the Bishop would follow it up with all the powers of eloquence and the venerableness of his character. They went into it all with misgivings. They came out full of joy at its success. So powerful were they in their influence that I telegraphed for meetings in the afternoon as well as at night.

They had a great meeting at Clarksburg. I telegraphed them at the request of the people that they must have a meeting in the afternoon at Weston. When the Bishop was informed of my telegram by the Rabbi, he said, "What does the Governor mean? I can not speak at that meeting; two meetings a day, just think of it. I am an old man." The old fellow was righteously indignant, yet he was immensely tickled at my great appreciation of their success. Dr. Scott said to him, "Bishop, you just come over there and show yourself to the people and the Rabbi and I will do the speaking." The Bishop said, "All right, I will go over and show myself, but I am an old man and the Governor must not work me to death. I will go to the meeting and show myself if you want me, but you and Bettan must do the talking."

There was a great crowd at the meeting and the Rabbi told the Bishop the people were there to hear him for a few minutes and to see him. The old man went on the stand to show himself and the Rabbi suggested to him he make a few remarks just to let the people hear him on a secular theme. He went on the stand and told the people he had already spoken that day and was to speak that night, but that he wanted to help and he was going to appear to let them see his acquiescence in the plan of raising the

money, but instead of speaking for a few minutes, he got going and spoke for an hour-and-a-half. He made the speech of his life. It was a great triumph and the meeting was a vast success. It emphasized the great moral tone of the American people, which after all is the deepest virtue any nation can possess. The money was raised, the loan was over-subscribed in West Virginia, all due entirely to an appeal to moral sentiment.

I met the Bishop once afterwards, in front of his house on Virginia Street. He was walking back and forth in great perturbation. I stopped my car and said, "Bishop, what is the trouble with you?" He said, "I have an important engagement in Pittsburgh tomorrow morning and the train leaves at five o'clock. It is now five minutes of five and the taxi has not come and I will not catch the train." Stepping out, I said: "Get in my car." I piled him in with his valises and bundles and hurried off, trying to get him to the station before the train started. I turned to him in the car after the hurry of the moment was over and said, "Bishop, I will travel any road with you." He looked at me with a glint in his eye and said, "Yes, you will travel with me anywhere here, but you won't go on the same road to Heaven with me." We both laughed. He made the train and that was the last time I saw him. It was the end of a wonderful experience, of an experiment which has always been successful in every crisis of our country—the appeal to the great moral sense of the American people.

As a result of all my endeavors I will close with this little statement which was placed in the history of the Liberty Loans in West Virginia, which is true in fact and in spirit.

"At least for many, many years there will never be such a campaign as this one in West Virginia. All of the energies, patriotism and character of our people was called into requisition and it gives me enormous pleasure to say that never once in all of these dark times did the energy, character or patriotism inherent in the people ever falter or fail. The state has contributed many millions more than was demanded by the authorities at Washington and her character is safe for all time for her contributions during this terrible, terrible time. The result has justified the statement made to the bankers and the citizens by the Chairman when asking for the subscription when he stated that the over-subscription would be more than equalled by the increase in the banks. This has been verified notwithstanding the millions which have gone out by loans, drives, subscriptions and contributions."

CHAPTER XXII

THE GOVERNORSHIP CONTINUED. THE BUILDING OF THE WEST. THE REHABILITATION OF THE SOUTH. THE NEGRO QUESTION. BOOKER T. WASHINGTON. THE HUNTSVILLE CONVENTION. CAPTAIN EVAN HOWELL.

I HAVE seen within the span of my life some marvelous phenomena. The telephone, the automobile, the flying machine, the Diesel engine, the submarine, the wireless, the talking machine, the steel ships, the vast chemical creations, the electric light, and all of the changes of the energy in the physical world. In politics, I have witnessed a complete change in the map of the world. The despotisms and monarchies of almost the whole of Europe have been changed either into limited monarchies, or to the absolute rule of the people. It has been the most interesting half century within the last two thousand years.

I have witnessed within my own country two great phenomena, almost world movements, either of which would be an excuse for these memoirs. I saw the building of the West until it contains one-third of the population of the United States, and more than one-third of its energy and progress. The creation of this great Western Empire, watered by the Mississippi, the Columbia, and the Missouri, from a supposedly treeless plain, an uninhabited waste, into

the seat of a great population, teeming with the most advanced agriculture and filled with arts and progress, within this limited time, is one of the greatest phenomena witnessed in the history of world movements. It has been a great social movement. The physical aspect of the movement has been most interesting. Sometimes in the old days the roads for miles would be filled without break with covered wagons on their ceaseless march to the West. The little village on the Missouri River in which I lived was one of the camping places and during the spring and summer months it was a place of the most varied activity. From this place the pioneers left the Missouri and struck directly into the interior. I have seen one hundred and sixty covered wagons camping there at one time and over three hundred pass through in one day. The minds of all people here were filled with one consuming idea.

It was a picturesque assemblage. Oftentimes on the move the bedclothes which had gotten wet from the rain would be placed on the outside of the wagon cover to dry, and the colors reminded one of the vari-colored sails on southern seas. The driving was mostly done by the women or the children, the husband and older boys stalking alongside. The teams were as varied as the people. Sometimes two oxen and two horses, sometimes two horses and an ox, but generally the horses composed one team and the oxen the other, because the horses were faster. The settlers carried with them all their lares and penates, and very often a dog followed the wagon, and I remember once a small flock of sheep and many coops of chickens went along. Often a cow was driven by one of the small children, and it stopped here

and there where the grass was succulent to get a bite to eat and then it would hurry on to catch the wagon. At night, when they camped they would improvise blacksmith shops to shoe the oxen and the horses and make repairs. All of this was done during the night, for they disappeared in the morning. This was not a sporadic movement as it was to the gold fields, but it was a nation-wide movement for homes. These pioneers carried with them all their paraphernalia of living. They slept in the wagons and if it was a hot night they would sleep under them.

Everything happened on the march. Births and deaths took place on the route, and as a child I have seen many funerals from the wagon train to the West. Babies were born in the wagons and on the movement just as at home. I remember one day that a wagon dropped out of the train and stopped near our house, and that my mother was particularly interested in it. She made many visits to it and carried various parcels, and that afternoon a crying baby proclaimed that another little one had come into this restless world. In the morning the wagon and mother and new-born baby were gone. What a hardy people they were! What a great movement it was! They created great commonwealths and left enduring monuments of their energy and character.

I have witnessed another great national movement. I have seen the South come back into the Union, into its legitimate place, from which it had been excluded for more than one-fourth of a century. When I began my active life the South was in the depths of desolation and distress. State governments were dethroned, the people of intelligence and wealth were taken from their places and the unknown and unintelligent

installed therein. The harbors were silent. No smoke came from the manufactories. The fields were uncultivated, the schools were non-existent, the colleges were closed or operating without money and almost without hope, the young were not being educated and were giving their energies to mere uncultivated employment. The government of the state was in the hands of the negroes and their partners, the carpet-baggers, and enormous state and municipal debts were created. The citizens of the South were disfranchised, and the polls were in the hands of soldiers whose movements were directed by carpet-baggers and men of another race. A country with more iron, timber, marble, coal, clay, gas, oil, glass, sand, and cotton than any other country, and with the richest soil that the sun shines on, lay prostrate and, to all intents and purposes, non-existent. All this in the face of the fact that since the government had been inaugurated, this section had been the controlling interest in governmental affairs.

I have seen the carpet-bagger and his negro tool, after having wrecked the government of the states wherein he had control, driven from office, and the white man placed in charge; I have witnessed the cotton fields of the Southern states tinged with the smoke from the great cotton mills placed in their midst, and the vast iron manufactories filling places erstwhile vacant. Progress now is everywhere. Our harbors are among the greatest in the world; Newport News, Galveston, New Orleans, Savannah, and Norfolk are synonyms for progress and vast and extending prosperity. Schools have been opened, and the youth of the South is flocking to them that it

may take its rightful place in this great Republic. The phenomenon of the South coming back to its place within fifty years has not been paralleled in the history of the world.

In the rehabilitation of the South, the negro question then was, as it is now, the most important. There are several of the states in which the negro population exceeds the white. This majority would give the government of these states and the control of their financial, and industrial, affairs into the hands of an ignorant population. When the carpet-bagger and the negro obtained control of the states, they completely disorganized the state and cared not for its honor but simply for the money which could be wrung from taxation of the people. The white people of the South, in order to save themselves from ruin, were compelled to adopt a vigorous policy, which was drastic because the safety of the state was the chief law. That being the condition, the South adopted whatever course necessary to rid them of their burden. The Southern states adopted various methods of doing away with this negro majority. Last, they adopted pure terrorism. It is easy to sit back and say that this is wrong. We knew it was wrong, but it was a situation which demanded every energy and every device to protect the states from overweening wrong. Every good man in the South knew there was danger in our continual infraction of the constitution. In a Republic when you get away from the rule of the majority you are in great danger.

But how was it to be worked out? This is still a question, but it is gradually settling itself. At the time when I became Governor of this state it was the acute question in the South. It did not affect West

Virginia so much and the negro here was allowed his vote. In the states of the South he was becoming educated and the question to be solved was how to remove this infraction of the Constitution from the South and at the same time save the states. While this went on, the men of the South did not intend, however great the majority which the negroes had in any one state, to allow them to rule. They had tried that to the practical destruction of the state. Various methods were adopted and great conventions were held. The problem was the subject of most serious contemplation and study. The most notable convention in my time for the discussion of this question was at Huntsville, Alabama. The most capable men of the South were there, and they considered it in all its aspects. This proposition can be very easily discussed by men who are not directly interested, but it is not so easy to consider when your own ox is being gored. In the Convention, I was in favor of an educational and property franchise which would give the voting majority to the intelligent population of the state. This would leave the control in the hands of the white population, no matter what was the size of the negro majority. This educational and property franchise was to be honestly administered. It was to allow the white people fairly to control, and the Constitution would not need to be broken to preserve the state. The intelligent white people would have the majority, in which they would be assisted by the intelligent negro vote. I moved this resolution, and for the first time in a southern convention, a resolution was passed embodying these principles. I was permanent chairman of the Huntsville Convention when the resolution for educational and property

franchise, rigidly executed, was passed. It was looked upon as a good omen for the South and for the solution of a momentous question. The Convention brought about a better feeling in the country and everybody breathed easier.

A year later another Convention, which was intended to be supplementary to the Huntsville Convention, was held in Montgomery. It was in the hands of the politicians, who did not consider the subject broadly, and wisely, as the Huntsville Convention had done. Bourke Cockran, from New York, represented the dominant idea of that Convention. He made a great white-supremacy speech. I agreed with him in this, as did the intelligent men of the South, that the white man should rule the state. But the question was to have the Anglo-Saxon rule, and at the same time to have it done constitutionally. If the majority rule could be broken in the South it could be broken likewise in New York. Cockran boldly advocated a repeal of the Fifteenth Amendment to the Constitution. This afforded him opportunity to make a dramatic speech. My opinion—and I vigorously expressed it—was that it was not the time for speechmaking, but the time for intelligent and patriotic action. Cockran made an eloquent speech, but it did not reach the vitals of the issue. To advocate the repeal of the Fifteenth Amendment was idle. Every sensible man knew it could not be repealed. In the debate all the questions came up, and unprejudiced men agreed that the passage of the Fifteenth Amendment to the Constitution, at the time it was passed, was unwise and that to have waited four or five years until conditions had adjusted themselves would have been far better. To have

kept the negro permanently from his vote would have practically continued the Civil War. It would have left in this country a great number of people in a position of political helplessness which would have engendered strife almost as acute as the real slavery question. A short delay in the franchise would have allowed the South to have adjusted itself to changing conditions, and the crimes which were done to the southern states after the amendment passed would have been avoided. But the amendment was with us, and we had to meet the conditions. It was a question of condition, not of theory. Every man, notwithstanding Bourke Cockran's speech, knew that the amendment could not be repealed. It left us also with the continued threat of reduced representation in Congress, which would have been ruinous to the South. The plan which I proposed did away with that condition and gave a right to vote without any injury to the state. I rigorously opposed Cockran's proposition, and in reply, said in part:

"Is not this course demanded by the plainest dictates of prudence? Does it not appeal to the most elemental principles of foresight? We have the alternative plainly presented to us. Place the franchise on a fair and wise and permanent basis or leave it in its present condition of unrest. Which is best for the South? Which plan does true patriotism prescribe? Which appeals to statesmanship and which appeals to the hour? The train of evils waiting on the present condition is too apparent for controversy. The open demand in high places for the absolute disfranchisement of the negro, leaving ten millions of people without hope in the midst of our nation; the argument presented for the repeal of the Fifteenth Amendment

which would again rend in twain this great nation; the natural discontent resulting from the growing intelligence of the negro; the reiterated resolutions presented to Congress unfairly representing us to the world of commerce and justice; the demand for the reduction of our representation, are all practical results of the unsettled condition of our franchise. What do we gain by delay? Nothing. We will miss only our opportunity to grasp the decisive moment for action, and with the opening of the new era of industrial change to reorganize our franchise system. When it begins and is under way, it is too late.

“New times, new climes, new lands, new men, but still
The same old tears, old wrongs, and oldest ill.

“Shall we longer wait? Is not the fair settlement of this question in the manner I have indicated far wiser than any attempt to repeal or modify the Fifteenth Amendment, which has been so ably pressed by a respected member of this Conference? Will you allow me an additional moment to oppose, with all the earnestness of my life, this last proposition? At the risk of overtaxing your indulgence, I beg your further attention. This proposition is too powerfully and seductively urged by my friend to be passed in silence. We are striving to close the gulf between the two great sections. This demand would again open wide the bitterness of the olden days. It would say to the north, as Abraham of old said to Lot: ‘Separate thyself, I pray thee, from me. If thou wilt take the left hand, then I will go to the right; but if thou wilt depart to the right hand, then I will go to the left.’ It would be a step backward. It would be practically a revolution. It would loose

from its moorings the crystallized sentiment of a third of a century. It would practically again raise the issues of the war. It would result only in evil by agitation, for it could never be accomplished. It would require the affirmative vote of the majority of the Legislatures of three-fourths of the States to repeal the amendment. It would require two-thirds of the vote of the Senate of the United States and the House of Representatives. The majority of one branch of the Legislature of only twelve states can defeat its modification or repeal. One-third vote in the House or Senate would defeat the repeal. No human right in all the history of government is so absolutely guaranteed as the rights under the amendments to the Constitution. The practical effect of the repeal would be to wrest from the South a portion of our representation, which we could not consider in this day of industrial progress and need.

"Sir, there is a higher reason than the loss of representation. The repeal or modification of the Fifteenth Amendment means the practical turning over to the South of the Negro Question as a local question. Are we able to bear it? Is not the question of the political status of ten millions of a different race, living amidst us, burden sufficient for the whole nation, which can only be settled, under the providence of the Almighty, by the earnest, hearty, and loving cooperation of the North and South? This action would, as nothing else, destroy that kindly cooperation."

The following from the Philadelphia *Inquirer* fairly illustrates public opinion on the question:

"The Montgomery Conference will go down to history as one of the most important meetings ever

held in the South, both on account of the character and importance of those in attendance, and the grave nature of the subject under discussion. The men who have addressed the Conference are all persons of foremost distinction; they are scholars and statesmen of prominence, and men who have given the problem before the Conference careful and serious thought. The Race Question, which it has been discussing, is a subject to command the most earnest attention from all who have the future of this country at heart.

"The two extremes of opinion at the conference seem to be held by ex-Governor MacCorkle, of West Virginia, and Bourke Cockran, of New York, and, strange as it may seem, it is the Southern man who is most conservative and who stands for the broadest justice to the negro. Mr. MacCorkle's argument is for a reasonable educational and property qualification for all voters, whether white or colored, and is against any attempt to repress any portion of the voting class because of racial dislike. He looks to the future with calm certainty that education will solve the race question so far as it affects the South, and he is urgent in his suggestion that the leaders in political and social life throughout the South work with unanimity for this end. This is the Southern view of the race question, which is approved and upheld by the better element in the New South. It is, moreover, the only way the race question can be settled in a manner strictly in conformity to the laws of the land. On the opposite side stands Bourke Cockran, a Northern man, who, in the closing oration at the Conference, urgently demanded the repeal of the Fifteenth Amendment to the Constitution.

"The sentiment of the country leans rather toward

the views of ex-Governor MacCorkle than those of Mr. Cockran. The West Virginian may not have been so eloquent, but he was far more practical and far more honest and patriotic than the New Yorker. The colored voters themselves are desirous of having a proper qualification imposed equally upon all, and they would be as well satisfied with a just imposition of an educational and property qualification as would the whites. And by thus solving the franchise question all the other issues of the race question would be solved at the same time, for when the negro becomes a property holder and an educated man the sentiment against him that is now so strong in certain sections of the United States will die away."

The result of the Montgomery Convention was a futile gesture to repeal or modify the Fifteenth Amendment, which practically set the intelligent people of the North and many of the intelligent people of the South against the proceedings of the Convention. It seemed to me the question was to be settled in a sensible manner and that the method which I proposed was the best one. A property and educational franchise honestly administered would allow the intelligent voter to control, and there would be no need to break the law.

In the controversy about this question, Booker Washington was one of the most patient and earnest and, withal, one of the ablest men whom I ever met. As a matter of fact he was one of the great men that the South has produced in twenty-five years. His theory and practice was to educate the negro and make him a good citizen, an intelligent farmer or workman, a man, in other words, who is an intelligent voter. Of course, he was fought by the negro who

had political proclivities, and by the white man who wished to use the negro. These two elements minimized his efforts, but he was wise beyond his generation. The intelligent people of the South respected him for his wonderful and splendid work. I was interested in him irrespective of the great question at issue because he was reared in my county of Kanawha. He was born in Franklin County, Virginia. It was currently reported, and I have never heard it disputed, that his father was a white man by the name of Ferguson. Booker came to Boone County in West Virginia, and stopped there for a short time. Then he came to the Kanawha Salt Works, about four miles above Charleston. His foster-father was Washington Ferguson, a coal black negro. They came here when Booker Washington was seven or eight years of age. His mother, by name Jane Ferguson, was a yellow light colored mulatto, and his aunt was black as ink. His ostensible father worked at Snow Hill Furnace.

General Lewis Ruffner was a prominent and rich man with a large establishment at Malden in Kanawha County, and Booker Washington went into his house and lived there as a house servant, waiting on the table and doing work of like kind. General Ruffner's wife, who was a Miss Knapp, taught Washington to read and write and sent him to school, but the latter lived in the house which was the easiest place he could have on a plantation. The reported hard times that he underwent, never really occurred. He lived a thoroughly easy life with General Ruffner.

After he came back from Hampton, he studied law under direction of Romeo Freer, who was afterwards Judge and Attorney General. Freer was a Republican lawyer at Charleston, and Washington did not

study law in his office as was currently reported. Freer loaned him books and examined him on the law which he had studied during the week at his home. Washington lived here about twenty years. His mother washed and worked at home. She was asthmatic and was not able to do heavy work.

At the Huntsville Convention, the last day was given to the summing up of the great question of the negro. The president of the State Negro College was a very eloquent man, but he did not possess Washington's hard common sense. The Committee on order of business directed the summing up to be by Washington, the President of the State College, and by myself. The question was, what should be done with the negro in the South? It was rather a trying position for me. I was to discuss the question with two of the most distinguished orators in the country, both negroes. As a matter of fact, they were the two wisest negro educators in the land. The whole of the final afternoon was given to this vital discussion. Washington made a great speech, and the President of the State College made a flamboyant speech, though in the right direction. My own speech excited great interest, not by its eloquence, but by the position which I had assumed, which was somewhat out of line with southern men. I was for giving them a vote, though never the controlling vote. The action I proposed to take would have relieved the South of every criticism of not giving all the people the right to vote. I spoke not as an alien, but as one with authority, because my people from the beginning of southern life had been among the ruling people of the South. My forbears on both sides had given their lives in the Colonial wars, the Revolution-

ary War and the War of 1812. My father had given his life, and all he had; and all his people had been in the Confederate Army. The trouble had been that the men who had heretofore spoken to the South were of two kinds. They were politicians, who spoke what was personally best for themselves or they were aliens, the latter not authorized by connection or location to speak for the South or to the South.

I believe that under the Providence of God the question is working out its own destiny. The South will always be the negro's home and chief habitat. Now, the question is transferring itself to the states and citizens of the North and the Northwest. Chicago has two miles of negro population, with all of its accompanying problems. New York City has equally as great a colored population, and thus the question will require the whole wisdom of the united country rather than the isolated action of the South. How to settle the diverse interests of two absolutely different races living in the same country, under the same law, is a question worthy of the united wisdom of the whole people.

As an incident in this work of tying together the North and the South, in which all of us were engaged, M. E. Ingalls, president of the Chesapeake & Ohio Railway Company, a far-seeing man, brought two thousand of the business men of the Northwest down to the South. It was just at the time when the free silver situation was coming to the fore. The governor of Colorado declared he intended to secede, and that by reason of the eastern opposition to free silver, "he would ride in blood up to his bridle bits." He used other language of the same import. We had a wonderful meeting at the old Hygeia Hotel at Old

Point Comfort. Under the influences of the genial hospitality, the sunlight of the South, the good wines and the oysters and the duck of the Chesapeake bay, kindness diffused itself over the whole assemblage. We had a great banquet and we all preached the doctrine of the united country. Just when we had everything in the most beautiful order, some one mentioned Governor Sweet's secession. Then sprang to his feet a typical Confederate Colonel. He had just shed his spurs. I see him now as I write, with his long curling white hair, greyish goatee and mustache, and his dress which consisted of a suit very much like that of the Confederate grey. He was a cross between a cavalier of the Stuart dynasty and a Confederate Colonel. Rising to his feet with his eyes flashing and his voice quivering, amidst a silence in which you could have heard a pin drop, and amidst the tremendous anxiety of those of us who were hoping that the meeting would be a success, he said in a ringing voice: "Mr. Chairman, I want Colorado to secede. I fought in the ranks of secession for four years." He was still standing up, with his arm extended, and at this every man from the North put down his knife and fork and pushed aside his glass. There was a silence that was ominous. I leaned over to him, he was the next man but one to me and said, "My friend," then put out my hand upon him as quietly as I could. "Do not say that here. This is not the place for it. The south does not feel that way. You will break up this party of good feeling." Of course this was said quietly. He replied to me, "Governor MacCorkle,"—and his voice could be heard over the whole assemblage—"These are my sentiments. I want Colorado to secede. I fought

for four long years in the ranks of the Southern soldiers. I fought for secession and I got the tar whipped out of me. I want Governor Sweet to secede, and I will be there with my whole old company to help give him the damnedest licking that any man merits when he secedes from the United States." The effect was magical. Men rose to their feet, after the tenseness of the situation had passed, with their glasses in their hands and shouted at the Confederate Colonel. He was the hero of the occasion. Many of them were old Union soldiers, and the dinner was almost broken up in their efforts to shake his hand.

During the years that we were engaged in this work I had many interesting experiences. It was a most interesting work. The rejuvenation of a country, and the rebuilding of the relations between the states, was a work that required all the patriotism and energy and finesse of patriotic men.

In this work, among my interesting experiences, was one with Captain Evan Howell, of Atlanta. Captain Evan Howell and Henry Grady were the owners of the "Atlanta Constitution." It was the great paper in the south. It had one purpose, the building up of the south and getting the country united in feeling. Grady made the most notable figure in that work because he was an orator of the highest excellence. Captain Howell, his partner, was of a different type. He was conservative, not a great speaker, but more engaged in looking after the business end of things. He was an intense patriot and loved his country. He had been in the Confederate Army, and that was interesting to me, for he had fought through the whole West Virginia

campaign. After the war he began the task of rehabilitating the South, building up the bridge between the North and the South so it would be open for all to travel. His great paper was the southern emissary for peace and goodwill to the South, and he held out the olive branch and waved it to that great section.

When I went to Georgia to make a speech on this subject, Clark Howell, his son, was then succeeding his father in the work of the great newspaper, as in the other work so badly needed by the south at that time. He gave me at his house a splendid reception and a dinner, to which he had invited all of the prominent men of the state, including the Governor and the Senators. It is one of the bright spots of my memory. The South was responding to the efforts of the men who were trying to put her on her feet and to do away with the waste and the ravage of the war. We were right in the track of Sherman's march to the sea. No longer was there any evidence of that terrible march; new houses were springing up; fences were re-built; manufactories were smoking; the fields were white with wonderful crops of cotton; the cities were being recreated; and Atlanta was blooming like the rose. With the men of the South engaged in that great work, who were there assembled, there was a note of splendid progress. It made everyone feel joyous.

It was just at this time that Admiral Dewey had been to South Carolina and had been to the St. Cecelia Club, and imbibed the famous St. Cecelia punch, and fell a victim to its potent charms. The old Admiral enjoyed the southern hospitality and inquired as to what were the ingredients of the

fatal punch, how it was compounded, and made other pertinent inquiries to find out its constituent elements. I freely confess that I made the same inquiry, because I am always a seeker after knowledge, although much knowledge that I obtain I never use. Captain Howell told me, when I had made the same inquiry which Admiral Dewey had made, that he did not know exactly what the ingredients of the punch were, but that there was one man, Colonel William Hone, of the St. Cecelia Club, who knew it, but that possibly the secret had died with him. In that event, there was one other person who did know the secret of the punch, and that was Joel Chandler Harris.

When I went away, it was with the understanding that Captain Howell would send me the St. Cecelia recipe, which ere long I received. This is his letter:

The Constitution,
Atlanta, Ga.

August 7, 1900

HON. W. A. MACCORKLE,
Charleston, W. Va.

MY DEAR GOVERNOR:

I am reminded of our conversation in regard to the recipe for Artillery Punch. The recipe I give you is genuine, but no one ever knew how to make it as the originator, Colonel Wm. Hone who died several years ago.

Thinking possibly my friend, Joe Harris, who is a neighbor of mine and who knows more about the original article than anyone else, could give me Capt. Hone's recipe, I wrote him yesterday to send me the recipe if he had it, and enclose you herewith his answer. The one given me is as follows:

Take a half-gallon of tea, brewed as if for ice tea, but which must be thoroughly strained and cooled, and to

this add about two pounds of loaf sugar, the juice of one-half dozen lemons—squeezed and strained—and one-half dozen oranges, squeezed and strained. Mix with the tea, then add 1 pint of Maraschino, 1 qt. old Santa Cruz rum, 1 qt. good pale French brandy. Stir well together and add lump of ice weighing about 5 pounds. To this mixture add, just before using, about 1 qt. of Champagne. Of course the preparation can be made less or more as you desire.

Now, this decoction is warranted to slip up on a man unawares. I have never been able to ascertain the precise amount it takes to make a man forget, as I always forgot before finishing my calculations.

I hope your election will be assured, notwithstanding a majority against you. I certainly will call and see you if I have occasion to visit your state, and will make a trip if I live much longer from Staunton to Laurel Hill. I hope to be able to get as far as Charleston.

You know I made a very sad failure in my attempt to do this in 1861. I think I can find some of my tracks between Laurel Hill and Beverly made during the war.

Your friend,

EVAN P. HOWELL.

It seems that Joel Chandler Harris did not know the secret of the punch, and the following letter in the quaint hand of Uncle Remus was enclosed with that of Captain Howell:

I include the letter for the interesting reminiscence, not for the purpose of publishing to the world the receipt for Artillery Punch, which, if it be published, will be as revealing the mysteries of the embalming process of the Ancient Egyptians, purely for archaeological purposes.

CHAPTER XXIII

VICE-PRESIDENT MARSHALL. PRESIDENT WILSON.
PRESIDENT ROOSEVELT. MR. BRYAN. VICE-
PRESIDENT STEVENSON. EVANGELINE BOOTH.
SECRETARY DANIELS. WILLIAM A. SUNDAY.
JAMES J. CORBETT. AL G. FIELDS.

I HAVE just read Vice-President Marshall's book. He was my guest several times at Sunrise. He was a peculiar man, at times genial beyond expression, and at other times absolutely silent. He loved to go out on the porches, away from the people, with one or two men, and talk to them about every-day matters. He also delighted in getting away in some quiet corner, with the great valley before him, and the two rivers, and to sit there for an hour alone in silence.

Sunrise, my home, is named for my ancestral home in Rockbirdge County, Virginia, and is full of interesting things, interesting to West Virginians and Virginians, and to the people of this Valley. I have made it a rule to entertain everybody who comes, because I like people. Many of the religious gatherings, many of the political, social and scientific assemblages in Charleston, for thirty years have been guests in my house, and anybody who comes to Charleston, if he desires, may come to Sunrise.

Mr. Marshall was seated one morning at Sunrise

on the river porch. It was in his second term of office as Vice-President. He was looking over the sweep of the two rivers, with their embowering hills. The beautiful valley of the Elk with its blue hills and misty vistas, and the Kanawha flowing just below, and the crescent of the city, were spread out before him. After awhile, he awoke from his reverie and abruptly said to me, "Governor, you are an ambitious man," and without any explanation lapsed into silence. I replied: "I am not generally ambitious, but only in certain directions." He said, "This place of Sunrise is wonderfully beautiful." Again he paused, and looking out over the Elk Valley, said, "You would like to be Vice-President of the United States, wouldn't you?" I said, "Yes, I believe I would. I do not care anything about going to the Senate or the House, but I would like to be Vice-President." "Well," said he, "if by any sort of necromancy I could turn over to you the Vice-Presidency, with all the honors that go with it, and if I could have this place in exchange, I would be very glad to make the trade." That was his point of view. About a week afterwards, at a gathering at Sunrise, Senator W. E. Chilton was present. He was in the midst of one of his fierce senatorial contests. I did not mention Marshall, but Chilton stood looking at the panorama from the same place at which Marshall had stood when he held his conversation with me. Chilton remarked how beautiful were the Kanawha and Elk Rivers from Sunrise. He said to me, "You have taken a great deal of interest in this place." I assented. "You have spent a great deal of money on it." I readily assented also to that proposition. "Now," he said, "If I owned this place, I would give

it all, the historical furniture, the pictures, the books, the house, the beautiful view, and all its wonderful associations, for just one more term in the Senate." That shows the difference in life when you look at the thing from one angle or the other.

This difference of point of view in various men is further illustrated by what occurred when the road to Sunrise was being built. The road was made up to the head of a hollow, a very isolated place. When excavating for the road, I dug up the remains of two women, one a blonde and the other a brunette. This excited a good deal of controversy as to whom these women might be, and I was unable to find out who had been buried in such an out of the way spot as it then was. I went to my friend, Captain John Slack, who was a Union soldier, a very intelligent man, and who knew more about the local history of the Kanawha Valley than any other person. I asked him about it. "Oh, yes," he said, "I know all about it. When the Confederate troops were encamped just below your place on the river bank, there were in their camp two women camp followers, whom they suspected of being Union spies. They had a drum-head court-martial, convicted the women and took them out of the camp, up to the head of that hollow and shot them, and there they were buried. This was done by the Confederates."

Now, Captain Slack was a Republican, a Union soldier, and honest as he could be, and he believed absolutely that his was a correct statement. Later I saw a friend of mine by the name of James Pauline, and was telling him about it. He was an old res-identer and a man of the highest integrity, besides being a Democrat and a Confederate soldier. "Oh!"

he said, "John Slack didn't know what he was talking about. I know the exact facts. The *Union Army* was encamped on the River bank below your place, and these women were followers of the camp and were suspected of being Confederate spies. The Union Army had a drumhead court-martial, took these women up the hollow and shot them and buried them there. I know all about it."

Here was a statement from two men as honest as I ever knew, each of whom believed he was telling the exact truth. But the point of view that each wished to hold had increased in power with the years until one honestly believed one way and the other just the opposite. Both were equally honest.

The sequel to the incident was interesting. A man in Lincoln County, who had been a Union soldier, heard about my finding the bones of the women. He died a few years ago and on his death bed told of being one of the squad who executed them and said that it had always been a burden to his mind. So you see, it all depends on the point of view.

The book of the Vice-President brings to my mind another interesting conversation. I asked him one day why he did not write his reminiscences of the great events in which he had played a part. He said, "I have a great many reminiscences but the men are still alive and I could not very well put them down on paper. Later on I might do it, but I would not want to do it for some years to come." "For instance," he went on, "the trouble about President Wilson was that he took things in his own hands to a greater extent than was really demanded. He took too many burdens on himself and he broke down under it. A great many things could have been better done by

letting other people do them. When he was proposing to go on his second trip to France, the Democratic Senators thought it was a dangerous thing and should be avoided if possible. They had a meeting to discuss it, and concluded they would delegate some one of the Senators to see him, and, as the mouthpiece of the Democratic party, endeavor to prevent him from going back to France. They chose Senator Tom Martin of Virginia, and after talking the matter over, sent him to the President, waiting together for his return. In about a half an hour he came back and sat among them, and in his epigrammatic manner, said, 'I went over to see the President and talked to him about his going back to France, and he said to me that he was going, that he was the only one who could save the world.' Martin then relapsed into silence as if he had made all of his report. The Senators sat around expecting him to continue. Finally one of them said to him, 'What did you say to him?' He said, 'Nothing, I never argue with the Almighty.' And that was the only report he ever made. You see," finished Marshall, "I couldn't put that in a book, they are all alive." They have now all gone to their reward, the mighty President, the Vice-President, and the great Senator, and hence I mention this incident.

The trend of this recollection of Woodrow Wilson indicates there was some dissatisfaction in this country about his going to Europe the second time. While that may be so here, there is no ray of dissatisfaction in the countries where he wrought his greatest work, the countries of Czecho-Slovakia, Jugo-Slavia, Roumania, Servia, Herzegovina, Bosnia and Poland.

I was in Pressburg two years ago and also last year. Pressburg is in Czecho-Slovakia and is the old Pozonsy, the ancient capital of Hungary, where the kings of Hungary were for a thousand years crowned in the old church just under the castle. On the top of the hill is the castle itself, a magnificent fortress, which was also used as the palace of the kings. It combines the old medieval architecture with the magnificent Vauban fortifications that were used in the early modern wars. It was the home of the Empress Maria Theresa. Napoleon, in the war about 1811, from the other side of the river, fired hot cannon balls into the fortress and burned it, so that the main palace stands today with its gaunt walls and roofless courts and its great towers in splendid desolate majesty. The walls are ten feet thick and are as perfect as before they were burned. The building is surrounded by a vast number of smaller buildings in the old walls and under the old casements of the medieval fortifications. They house a large number of troops. In Czecho-Slovakia, Jugo-Slavia and Poland the soldier is everywhere. France has seen to that. She has Germany fenced around with a wall of steel.

I was anxious to visit the old fortress and palace and went up the hill to the frowning gateway, where a Czecho-Slovakian soldier barred my entrance at the old medieval gate. I explained my business, but he spoke only a little English. He showed me there was no use attempting to enter. I do not get discouraged at such things. I persisted and asked for the commandant of the guard, and the Lieutenant of the guard came in response to my request. I stated my desire to enter the palace, whereupon the Lieu-

tenant peremptorily informed me that this was a fortress, that soldiers were in camp, and that it was against orders to have the fortifications visited by anyone. He refused my request and saluted and turned as if it was a closed incident. I said to him, "I am a friend of President Wilson, and if it had not been for him, your republic would not have been constituted." He spoke some English, "Ah," he said, "You are friend of President Wilson?" I said, "Yes, I am, I know him well personally, and he is the chief of my party." He sent an orderly for the Major who was the officer of the day, who appeared and saluted. He talked with me in perfect English. After that he turned and gave some words of command in his own language, and the men on guard immediately sprang to attention. "My orders are peremptory, but a friend of President Wilson makes a different situation. Pray come inside the guard room and be seated a moment." He carefully handed me a chair, clicked his heels as he turned and saluted me, and left the room. In a few moments he returned, and said, "You desire entrance to the fortress." I said, "Yes, I am very anxious to go through the palace and view it." He said, "This is against orders, but any order will be abrogated for one of President Wilson's friends." He gave orders in precise terms to the Lieutenant, and they both escorted me to the door. He said, "You will have access everywhere here," and he ordered the lieutenant to show me everything in the fortress, including the fortifications and the army cantonments. When I went outside a short command was given to the soldiers and they presented arms and stood in line before me. The lieutenant again clicked his heels

and saluted and said, "We are ready, sir," and took me all through that magnificent old fortress, down to the rooms below, the dungeons, into the great passageway under the Danube, and through all its intricacies and secret chambers. The guard followed me and at the door of the chambers they waited at attention. After I returned to the gate the Major came out again and turned out the whole guard. He informed me again that he was violating the letter of the rules, but that their spirit allowed anyone who was a friend of President Wilson access to anything in Czecho-Slovakia. As I turned to go I found the whole guard standing at attention. They presented arms and made me the military salute as I turned to go down the hill.

I traveled last year, and two years before, extensively in the countries that were practically re-formed and re-created at the conclusion of the war. That was the achievement of Mr. Wilson. By reason of the controversy in this country as to the League of Nations, his great work in Central Southeastern Europe has been largely overlooked. He grasped the situation with a firmer hand than any of the other statesmen who were engaged in the peace negotiations, and was more persistent than any other in the creation of the states according to race.

The question which arose before the end of the war was this: Would they allow the Hapsburg Empire to stand with all of its burdens, and especially with the suzerainty of the German Empire, or would they let it disintegrate and form out of the remnants a series of smaller nations which would be absolutely free and independent? The Austrian nation was rotten to the core. It had arrived at the great crisis

in its life. The old emperor, the last connecting link between the present and the past, was dead, and the whole fabric was ready to go to pieces. The virtual control of political and military affairs had been turned over to the German government. To allow this Austrian nation to stand meant the slavery of the nations throughout Southeastern Europe. The absolute turn-around of the Russian nation gave us a free hand, because with Russia carrying out her original purpose and fighting shoulder to shoulder with us, it would have been difficult to have given Poland and the border nations their freedom. Her action thus allowed Mr. Wilson to accomplish this important but overlooked work. He broke up the rotten Austrian government with its over-lordship of Germany and placed in the world independent, liberty-loving states. Poland, with its long years of waiting and watching, with its bloodshed and oppression on the part of Germany, Russia and Austria, by his enlightened statesmanship, was given freedom and good government. The peoples of Southeastern Europe were released from the pan-Germanic burden, and arose free states, governed by their own people. All this came about largely through the wisdom and farseeing vision of Mr. Wilson. No one who does not travel can appreciate what he has accomplished through those countries, where homogeneous states were created, pure governments raised, where satrapies had been heretofore, where men and women were allowed freedom, who before had been ground down by the relentless hand of Russia and pan-Germanism. In this Mr. Wilson lives today. The great railroad station of Pressburg is called the Wilson Station and a magnificent picture of our former

President looks down upon the great waiting room. Everywhere there his name is venerated, because there he did a masterly work which will be remembered in all the years to come. As the years go along Marshal Foch, as the embodiment of the military, and Mr. Wilson of the civil control throughout the Great War, will be the outstanding figures which will live.

I knew Mr. Wilson fairly well, years before he was President. Towards the last, when he was overwhelmed with the great questions of the day, I understand he was austere, but I never saw any of that in my intercourse with him. One day about the middle of his second campaign, I had an engagement to see him on important business, and Mrs. Wilson, with the graciousness which has always characterized her, asked me if I would come to luncheon with him and her, and we would then discuss the matters at issue. I accepted the invitation and I wish to say, after having dined with many of the great men of our country, that the luncheon with Mrs. Wilson and the President, was one of the most pleasant and delightful that I ever experienced. Mr. Wilson was the soul of geniality, told stories and was witty and pleasant. I have understood that with him his opinion was always the most important. I found nothing of that. My belief is that he will live as the greatest American of our whole century.

Speaking of President Wilson and his work in Southeastern Europe, I was impressed when visiting Hungary last year, by one thing. The palace of Hungary at Buda-Pest occupies the crest of the hill just opposite the new city. It is just across the Danube in the older city and it is wonderful in its architecture and extent. With the exception of the

Princeton, New Jersey,

31 January, 1901.

Hon. Wm. A. Mac Corkle,

Charlestown, West Virginia,

My dear Mr. Mac Corkle,

Like hundreds of others of your fellow countrymen, I was especially pleased with the whole of your very able address delivered at the recent conference on the negro race. I am the better prepared, therefore, to enjoy and appreciate the address on Universal Suffrage which you have been kind enough to send. I shall read it with attention, and, I expect, with agreement; and thank you most sincerely for your thoughtfulness in letting me see it.

With much regard,

Very sincerely Yours,

Woodrow Wilson

LETTER OF WOODROW WILSON

(From original at Sunrise.)

pictures and the tapestries and the ordinary bric-à-brac, the furnishings have been left just as they were when occupied by Franz Joseph. Only the pictures in the great palace are an exception. All of the portraits of the kings, princes, and former rulers of the Kingdom and the Dual Monarchy, have been removed, with the exception of the portraits of Franz-Joseph, the Empress Elizabeth, his wife, and what is significant, the portrait of young Carl, the son of the late Emperor. That excited my interest, that this picture alone with that of the Empress Elizabeth, and that of Franz-Joseph should be left, when the pictures of the vast number of the Hungarian kings and rulers have been taken away. I was met with the reply that they designedly retained this picture, for they looked forward to the ultimate return of its young subject as Emperor.

Another distinguished Vice-President of the United States who was my guest as well as my friend, was Vice-President Adlai Stevenson, of Illinois. He was a man of great dignity of character, but loved a good joke and a pleasant time. Under the extreme austerity of his outward appearance he carried a bright wit and wonderful sense of humor. I campaigned with him in Ohio, and it was an illustration of the adage that when things start going wrong nothing you can do will stop them.

We were campaigning in Ohio and he, Joe Chilton and I composed the battery of the Democrats at a great meeting in Mansfield, Richland County, which is the great banner Democratic County of Ohio. There were twenty thousand people at the meeting. Stevenson and I were to speak in the afternoon and Joe at night. The Vice-President and I spoke from

a great platform. There was marching and counter-marching and brass bands and uniforms galore. The chairman of the meeting was an old fellow who had more money than political knowledge or platform experience. He took charge of the meeting and after a speech of eulogy such as is usual on such occasions, he said, "Now, we have here the Vice-President of the United States, and he is a great orator." He went on with that stuff that introducers always put upon their victims and concluded his oration by saying, "I desire to introduce to you the Hon. *Alvin Stevens*, of *Indiana*, Vice-President of the United States."

The miscalling of the whole name of Vice-President Adlai Stevenson and the state from which he hailed filled everybody with merriment, and I remarked *sotto voce* to the Vice-President as he rose to his feet, that if I ever got to be Vice-President and acted in that capacity for four years, that at least the people would know my name and from whence I hailed. Stevenson was full of humor in his quiet way, but the whole half hour of his speech was hampered by the fun at the miscue of his introduction. He was not up to himself and the incident ruined him. He did not get back on his feet and in the path until his time was nearly up. As he sat down he remarked to me, that the Nemesis would get me some day and put me in the same position as was he when he spoke. The Nemesis was hovering near me at the time in the presence of the presiding officer of the meeting. He arose again and after the usual persiflage about the speaker whom he would next introduce, he said, "I desire to introduce to you as the other orator of the occasion to follow the Vice-President, the Hon. William Corkhead, Governor of Virginia."

Stevenson threw back his head and gave a roar of laughter that did not comport with his dignity as the presiding officer of the most dignified assembly in the world. Needless to say the merriment which went around on the platform got me off my feet and in the red-brush, and I think with the exception of one other speech I made over there in the same campaign, it was the record.

Governor Harmon, Attorney General in Mr. Cleveland's second cabinet, told me that in the last hours of Cleveland's administration they were having a Cabinet dinner at the Postmaster General's house. President Cleveland and Vice-President Adlai Stevenson were both present. Stevenson told with much humor what had happened to us. Looking over towards Mr. Cleveland, Harmon remarked, "I knew you and MacCorkle were both backing Bryan and free silver and all the other heresies in that campaign, but I never knew before you were doing it under an alias."

As to this other speech I have mentioned, I left the campaign party for one night to speak at an outlying town. It was a wet, rainy night and I was hoarse and tired. They held the meeting in a hall that seemed to be about twenty feet wide and about four hundred feet long and the majority of the audience was out of sight as well as out of hearing. They had a band right up under me and every situation was bad. On the platform with me was General Wood, who was a very sententious man. I was worrying along with my speech, and, because of the conditions, not doing myself justice. I walked over near General Wood and got a glass of water and as I drank it I remarked quietly to him. "This is the worst

speech I ever made." Wood, without changing color or moving his face, remarked, "It is the worst speech anybody ever made." I brought the speech to a quick conclusion.

But to return to the Mansfield meeting,—Joe Chilton was to speak to the great meeting at night and when we did get to the meeting it was an immense one, with brass bands, torches, horns, and men on horseback. Everything that attended an old time political meeting was there in full force and effect. Joe spoke from a platform that was surrounded on all sides by the people. That compelled him to speak with his back to some and his face to others. He is exceedingly urbane and bowed with the utmost courtesy and geniality to his vast audience. Over in front of him was a woman who blew a big tin horn about eight feet long. Joe leaned over to her and said, "Madam, I have to speak to this great audience tonight and I wish to speak so all can hear. Would you be good enough not to blow that horn so we can have quiet and I can make myself heard." She said, "I will do nothing of the sort, I am just as good a free silver man as you are, you damned old pop-eyed son of a gun." That was received with a great shout of laughter and Joe never recovered from it, and his speech was punctured by the toot-toot of the horn and followed by the Nemesis which had fastened itself upon the Vice-President and myself. The jinx never left us while we were actively interested in Vice-President Stevenson. Senator Chilton, Joe Chilton, some others and I undertook to get up a movement to make Stevenson the nominee of the party for President at the next Convention which was held in Chicago. It had gotten under very good headway

but was defeated by one of those queer combinations which sometimes arise in a convention, and which continued until the "Crown of Thorns" speech made the nomination.

The mention of Mr. Wilson brings to mind his two great contemporaries, Mr. Bryan and Mr. Roosevelt. These three I consider the greatest exponents of Americanism, in their diverse spheres, which this country in the last thirty-five years has produced. Taking Mr. Bryan all in all, he was the greatest orator I have ever known. I do not mean that he could rouse men to greater heights than any other man of my experience. I knew several who could dig deeper into men and arouse more permanent enthusiasm than Mr. Bryan, but taking him in the springtime, in the heat of summer, and in the falling of the leaf, he was the greatest orator and most effective speaker that I have ever heard use the spoken word. His "Crown of Thorns" speech I heard delivered. It was a great speech, not so great from a literary standpoint, yet wonderful for having been the very speech for him to make at that very exact moment. I have since read it and have been amazed at the effect it produced, but he had the genius to use it effectively at the moment. He knew better than any other man of my time when to strike with a speech, and what kind of a speech was demanded.

At the Chicago convention, he caught the right psychological moment and struck with all his power, and he won. He was my guest at Sunrise on several occasions and in thirty years I came to know him well. The more I saw of him the more I was impressed with the wonderful genius he possessed in his use of the spoken word. I have been equally impressed by

his weakness in some essentials. His convention management was sometimes magnificent. His leadership in the Baltimore convention was simply superb. We all know the effect he wrought in Chicago. I do not mean to speak as to the right or wrong of his actions in the Baltimore convention, in respect to Champ Clark, but disregarding the controversy between him and the Speaker, his management of that Convention in the direction of the nomination of Mr. Wilson was the very embodiment of political genius. His attack on the New York delegation, whilst I did not agree with him in any wise, was politically, and, from the standpoint of what he wished to accomplish, the exact thing to do at that exact time. I replied to his speech, but it was only the reply of a country governor, and was not as effective as a reply would have been from New York or Virginia, which states he directly assailed. I insisted that some one in the New York delegation should immediately reply. I urged John B. Stanchfield, a great lawyer and able speaker, to do so. Ready lawyer that he was, and master in the way of psychological effect with great audiences, he failed to appreciate the moment, which Mr. Bryan grasped to the full. He hesitated, and Champ Clark was lost. Stanchfield said, when I insisted on an immediate reply by the New York delegation, "Governor, I will reply tomorrow." I said to him, "There is no tomorrow, Mr. Stanchfield, to this kind of a fight. The fight is now right here and it is going to be won or lost this minute." Stanchfield still hesitated, and delayed his reply. Then it was too late and the fight was lost, and Champ Clark, the only man in latter days having a majority in a Democratic Convention, and who was

defeated, went to his grave a broken-hearted man.

In that Convention, Mr. Bryan's action was consummate and he rose to the greatest heights of political generalship in popular convention management.

In the California convention at San Francisco his weakness, which at times appeared, was illustrated. His speech made on the prohibition question, was a marvelous one, considered as a speech to please the audience, and nothing else. I do not believe that in my life I ever heard a discourse which was so powerful, so eloquent and so convincing. But his audience did not vote as he indicated and advised. Until the time the vote was cast Mr. Bryan felt that he was victorious, and, from the manner in which his speech was received, he had reason to feel victory was with him, yet every well-informed man knew what would be the action of the Convention.

Another episode in the same convention was fairly illustrative of Mr. Bryan, when there was a question of far reaching judgment and not of speech-making. The horror of the Armenian massacres had swept the whole world. The Powers had assigned the mandate for Armenia to the United States. The special committee of nine in the resolution committee were in favor of the mandate and reported a resolution that the United States should assume it. I was a member of the resolution committee, not, however, of the special committee which reported this resolution to the general committee. I was thunderstruck when Mr. Bryan and the select committee reported a resolution favoring this mandate. It meant sending one hundred thousand men to Armenia when our

country was sick and tired of war. It meant the expenditure of two hundred and fifty millions of dollars and ruin to the political party that advocated it, yet Mr. Bryan's altruism got the better of his political judgment, and he reported in favor of the resolution and most eloquently supported it. We, the plain men of the committee, defeated the Armenian mandate in open committee, although it was supported by Mr. Bryan and reported by the select committee.

Mr. Bryan's genius was exemplified to the full before the people as the master of political speech. I do not mean to compare him with Patrick Henry, whose message, by reason of the times, was more important than any that Mr. Bryan had to carry to the people. But in his make-up, physically, in his voice, in the quickness and readiness of his mind, in the storing up of those things needed by an orator as essential for the public hearing, I think he was, in my day, unequalled. I have heard nearly all the great orators of Europe, and while I was hampered by reason of my want of familiarity with the language, still, in all the essentials of oratory, I know of none of the great European orators who were his equals. The only one who approached him in public address, according to my thinking, was Daniel O'Connell. O'Connell, in his great campaigns came more nearly to Mr. Bryan in arousing the interest and enthusiasm of people than any man who has lived in modern times.

Mr. Bryan did not possess the learning of Mr. Gladstone, but Mr. Gladstone's orations were small in number as compared with Mr. Bryan's, and many of them are heavy and dull and uninteresting. Mr. Bryan was always, in his approach to the people,

interesting and bright and aroused enthusiasm. Peculiar exigencies bring out the highest attainments which are needed for a special occasion, but consider, that for thirty years this man, in every question that came before the people, was supreme in his popular advocacy of one phase or another of every question. Men are raised in a free republic for peculiar purposes. It seems to me that Mr. Bryan was raised for the renewing of the Democratic thought of the people. This was sufficient for any one man. To this idea, whatever may be said about him, he was always true and constant. However he may have erred in the machinery of politics, still, to the people he was absolutely true and devoted. I have heard men say that Colonel John R. Fellows was Mr. Bryan's equal before the people. Colonel Fellows, whom I knew very well, and have often heard, was a wonderful orator. He took the phase of Democracy of the Tilden-Hayes campaign and wove about it an eloquent argument in behalf of constitutional freedom, but that was the one question, one phase of politics, one speech, upon which he made his reputation.

Ardent admirers of Senator Vance of North Carolina have often told me that in all that concerned an orator before the people Senator Vance was the equal of Mr. Bryan. I have heard Senator Vance and he was a most eloquent man. He was exceptional as a *raconteur*, but he possessed only one phase of an orator as compared with the many possessed by Mr. Bryan. In Bryan was a man who combined all, a handsome face, a wonderful eye, a splendid mouth, a throat of gold, a mind which grasped all the questions of the day which were before the people, a stomach which could stand anything, a nerve which never in

twenty-five years failed him once. Now, I did not agree with Mr. Bryan in all he did or said. It is the fashion to consider him only as an orator, and as a statesman, a failure. However, when you consider that almost every important act of legislation which has been brought into consummation in the last twenty-five years was advocated in its beginning by Mr. Bryan, you will begin to appreciate that he was one of the great men of this Republic. He rejuvenated the Democratic thought in the mind of the country, which was the greatest achievement that a man could accomplish. Speaking of his wonderful physical development, and I only in this book in a brief manner take the opportunity to discuss him before the people, I question whether a public man ever lived who accomplished the physical work which was carried out by Mr. Bryan. He was himself of that opinion. He informed me in a conversation at Sunrise that so far as he had investigated he had addressed more men face to face and eye to eye than any man who had ever lived.

He had many experiences in his years before the people and he loved to tell them. One day at breakfast at Sunrise, he told about an old man, who, at one of his meetings, sat in front of him and appeared so much interested that he never took his eyes off the speaker. Bryant asked him about it, and he replied that Bryan was the first speaker whom he could see the backs of the teeth on both jaws all through the speech.

In the campaign of 1899, I was to bring my car to Grafton to take Mr. Bryan down to my part of the state. I met Mr. Bryan at daylight and transferred him to my car. He was then making a speech which continued for thirty minutes. At its conclusion he

took a cup of coffee, a roll and a small piece of steak for his breakfast. He arose with the cup of coffee in his hand to make another speech. The speech making continued every fifteen minutes until he arrived at Parkersburg at midday, at which place he spoke to thirty thousand people, and made a speech of an hour's duration. Then, starting to Wheeling, he spoke at every stopping place until he arrived at Wheeling. He was speaking nearly every half hour. He arrived there at night. He had been speaking continuously, with few exceptions, since daylight, shaking hands, meeting people, talking, arguing, placating the disgruntled whom he met, in the midst of the greatest physical, as well as mental, strain. When he arrived in Wheeling, it was to meet a mass of people such as I never in my experience saw assembled in a political meeting. The car was besieged by thousands, there were whole squares of people. He made a speech at the car, another speech on his way to the place of meeting, where there were seventy thousand people waiting for him. The only method by which he could approach the speakers stand at all was by being surrounded with a phalanx of policemen. He spoke to the most tumultuous and enthusiastic assembly that ever met in the city. There was no indication of physical weariness in this man who had been talking since daylight. Every sentence was as clear and sparkling and bright as a summer's morn. His humor was infectious, his anecdotes were all new, every incident of the occasion was used with the most telling effect, and all the questions of the day were most consummately and ably argued.

At midnight, when he had finished and his phalanx

of policemen was taking him back to my car, he made two separate speeches, and then at midnight, he was placed in the car and for the first time during the day was out of reach of the people.

Before he had gone to the meeting, I asked him if he wanted to eat anything when he came back. He said, "Yes," and I called in my cook, Deck Anderson, who was a Democratic negro, a free silver man and ardent admirer of Mr. Bryan. The latter told Deck what he wanted for his supper after the speech, and as an interesting bit in the life of a great man, I will give it: A large beef-steak cooked in onions, a full pan of French-fried potatoes, a lot of hot biscuit, celery, and a large pot of the strongest coffee that Deck could make. I saw my friend after the tremendous efforts of that day, sit down with his wet shirt and wet clothes on, eat the steak and onions which I could not have eaten in four meals, clean up all the potatoes, eat all the celery, make away with the hot biscuit and drink a quart of coffee that would swim an iron wedge, yet talking all the time with half a dozen men who sat around him. And then, with a sigh of contentment, he lay down on the bed and in five minutes was sleeping the sleep of a child.

Again at daylight, at Point Pleasant, he spoke to a great assembly. Thence up the Kanawha River where he made two speeches, as well as two at Charleston, where he spoke to twenty thousand people. Then across the river and down to Huntington to a meeting of forty thousand people, speaking nearly all the way down. At Huntington at twelve o'clock at night he came from his meeting and there I left him. He continued this amazing performance for a week.

This is a fair illustration of what this man underwent for twenty years. All the time the newest, freshest material was being given to the people in the most eloquent manner. Mr. Bryan always was under the white fire of the Presidency, with this temptation to wander away from the true path of Democracy. I have been a member of the National Democratic conventions for thirty years and he attended them all during that period, either as a delegate or a candidate, and if not a candidate, he was under the white glare of a problematical nomination. This must be considered when Mr. Bryan's actions at a convention are being studied. He was acting as he thought best for the people, yet continuously he was under discussion for one of the highest offices in the world. His career must be considered always in this light.

Mr. Bryan and I, in the thirty years that we knew each other, had some peculiar experiences together. I remember in the Chicago Republican Convention that he and I met in Governor Sproul's room, where he said to me, in a rather abrupt way, "What are you doing here?" I said, "Mr. Bryan, I will answer your question by asking you one, what are *you* doing here?" He replied, "I do not want to help these Republicans any, but I would like to see Sproul nominated." I remarked, "I am feeling the same way." When Bryan and I had that conversation it looked beyond a question that Sproul was about to be nominated by the Republican Convention. I think they had almost agreed upon that action. Governor Sproul had quite a contest with Penrose in Pennsylvania. He had taken the delegates away from the control of Senator Penrose. Now, at that

time Penrose had to a great extent lost his strength in Pennsylvania, but that was not known generally throughout the United States. He was opposed to Sproul because Sproul was from Pennsylvania, and had been in quiet opposition to him. He sent telegram and telephone messages to the Convention just at the critical time to defeat Sproul's nomination. This would not have had any effect in Pennsylvania because as I say he had largely lost his influence there, but it had a great effect on the Republican Party in the country. His action over the telephone and the telegraph had the effect of defeating Sproul's nomination in the Convention. Had they nominated Governor Sproul the Republicans would have escaped all of the troubles of the Harding régime, and they would have nominated a strong man who would have been notable even among the Presidents of the United States.

My conversation with Stanchfield in the Baltimore Convention led to a very pleasant acquaintance with him. It seems when he was young his people had lost their money and he was hard put to it to obtain his education. He joined a professional baseball team. After a while his professional duties paid him out and he was able to go into the law. I had had a similar experience, speaking of small things with important ones. My professional work was rowing and his was baseball. I engaged myself to a professional organization in Washington and was under contract to row three professional races, one on the Thames, one in Philadelphia and one in Poughkeepsie, in the ensuing summer, but fortunately I was enabled to be released from the contract and immediately began the study of law. I found Stanchfield

an exceedingly able man and very fascinating, as his career showed him to be.

I was well acquainted with Mr. Roosevelt. To the ordinary man he had a more approachable personality than did either Mr. Bryan or Mr. Wilson. There was something wonderfully human about him, wonderful in the way he took hold of you and shook your hand and seemed to envelop you with his personality. That was when he was not in a hurry. He always appeared to me such a bundle of energy as to be always in haste. Roosevelt had the ability to make you feel that you were the only one he was interested in when he was with you. This is a wonderful gift for a public man. He had a direct way of talking to you that was different from either of his distinguished contemporaries. Mr. Wilson talked impersonally, for the reason that he was nearly always stating a proposition and his argument was not directed so much to you as it was to the carrying out of his theme. Mr. Bryan talked to you as if he was talking to a crowd. You always felt that some other people should be with you. Mr. Roosevelt talked real American to everyone he met and he talked directly. And what was strange, he interested the cultivated man just as much as he interested the uncultivated or the unlearned man. He had the ability to talk with the former so as to make him do what he wanted. He was not perfect in his expression of English, being at times rugged, but he had the ability to talk directly to men and make them understand what he meant, firing them as much as did Mr. Bryan or Mr. Wilson. I was much interested in the building of the Nicaraguan Canal and got acquainted with Mr. Roosevelt through that work. He was

very anxious to see either one or the other of the canals completed. I was for the Nicaraguan canal. I had a conversation with him in which he said he was going to build the canal. He did not say anything directly about the Panama Republic because I was a Democrat, but he let me know that he had that scheme in his mind.

Roosevelt always struck people as an objective man. He always seemed a man who would come out of the *mêlée* with what he wanted in his hands. By that method he built the Panama Canal. I received a very interesting letter from him in which he told me my views were all right, that they ought to be shared by my party, and if my party would quit talking and put its hands to the building of the Canal, all would be well. I cannot find the letter, which is in my lost bundle of letters, but in the line of subsequent events, it is very interesting. Later I received another letter from him in rather the same vein. It is also an interesting letter.

Mr. Roosevelt was always, when I saw him, energetically active. There was always something directly and immediately that he was trying to do. I was in Saratoga while the Convention was on in which he was running for the governorship or else was controlling the convention for some one. I went into a back room with a prominent Republican who wished to see him, where it seemed the chief work was going on. It was a room such as you will see at any state convention in West Virginia. Roosevelt was in the room with his coat off, the sweat pouring from him, his collar all broken down, tobacco smoke as thick as a cloud all around him, and in the midst

THEODORE ROOSEVELT

THIRTY EAST FORTY SECOND STREET
NEW YORK CITY

March 2nd, 1915

My dear Governor MacCorkle:

I was very much interested in your book; and I am in substantial agreement with it. I only wish you could make your party take the view that you do and prepare to make that view count by putting us as a nation in a position to resist foreign

interference with *the doctrine — which means that we must do our duty, as we did in Cuba & San Domingo and Panama, which I was President;*

Faithfully yours,

Theodore Roosevelt.

Hon. Wm. A. MacCorkle,

Sunrise,

Charleston, West Va.

LETTER OF COLONEL ROOSEVELT

of a most furious controversy as to what was to be done next day in the Convention. He had been up all night but seemed to be thoroughly enjoying himself. He was in charge of the matter, you could see that. He was listening to everybody, talking to everyone, bullying this one and placating that one, and you could see the impress of his personality on the horde of politicians. You would imagine him, viewing him as a stranger, to be a Congressman or a third or fourth rate politician busily engaged in his occupation. He had an amazing pull on every one in that room and they did everything that he wanted them to do.

I had another experience as to his many-sidedness. I was on the Elk River in the summer and was talking to four or five of the citizens of the Elk valley. We heard a little hollow mournful kind of a call through the air, and one of the men remarked, "That is that old rabbit calling again. It's going to rain tonight," and one of them immediately said, "There is an opinion here that has held in this valley for a hundred years or more that a rabbit in the evening, when rain is coming gives a kind of a hollow, mournful call which you can hear a long ways, but which is not loud. That always precedes a rain." I said, "I do not believe anything such as that," and we all engaged in quite an argument about it. From my talks with Mr. Roosevelt, I knew that he would just get ahold of that kind of thing in a way that no other man in my acquaintance could do. I said I would write to Mr. Roosevelt and see what he thought about it. I did not think there was anything of the kind. They agreed to abide by what Mr. Roosevelt said. So I wrote him and explained the controversy to

him and received a letter, discussing the subject in the most interesting manner.

I saw him afterwards and told him, explanatory of my letter to him, that it might be rather strange that a man as busily engaged as I was should write to another person who was engaged in as great affairs as he about such a small matter. He immediately said, "Now, that is all right, Governor, it is a most interesting question and one that I have heard mentioned a number of times. I had given it thought before, and I have, since receiving your letter, considered it and inquired more about it. There is nothing to it." He had settled it to his satisfaction and settled it correctly, as I thought. This is a little thing, but it shows the nature of the man's mind, and his amazing knowledge, derived both from nature and from all kinds of people.

I have always looked on Roosevelt as really a Democrat. Of course he believed in the cardinal doctrines of the Republican Party, but his career was so much apart from the policies of the Republican Party that it was very refreshing. He and Mr. Bryan were the beginning of the age of the progressive element in modern American politics. Their onslaught on the use of money in elections, their attention to the rank and file of the people, in other words, their expressed and active democracy, prepared the way for the great Wilsonian epoch and made the opening in American politics which was used so effectively by Woodrow Wilson.

Mr. Roosevelt in brief, was a unique man and a true American, and I oftentimes wished that he had been a party man of mine so that I would have had the opportunity to get closer to him.

One of the most interesting characters ever a guest at Sunrise is Evangeline Booth, the Commander of the Salvation Army in America. I will say that she is one of the most interesting women that I have ever known. She is comely in appearance, with rather Scotch hair, auburn and wavy, and her eyes are piercing grey. Her nose, like that of all great people, is large and strong. She has the jaw and the physical make of an orator. Did you ever notice that the same physical equipment is required by an orator as by a great singer? No one can be a great singer unless he is powerfully endowed physically. If you will notice the great singers, they have wide, open and deep mouths, splendid jaws, powerful necks, and lungs like blacksmith bellows. It requires as great a physical strength to make a speech of one and one-half hours to a large audience as it does to go through the work demanded by a great opera.

This woman has not so many of these characteristics as to be unwomanly, for she is marvelously feminine, but she has enough of them for you to know you are in the presence of a great orator. She has a commanding appearance, tall beyond the average woman, with a voice which is as vari-toned as an organ. As we have been speaking of masters of the spoken word, I think Evangeline Booth is the greatest living woman orator of this country, and as a matter of fact, of any English-speaking country. I do not know how she would do in the cut-and-thrust of political disputation, but in the great and holy matters to which she has consecrated her life I think as a woman orator she is super-eminent. She is a powerful reasoner, splendid in the command of language and her voice is in consonance with her feel-

ings. One moment it is deep-toned and powerful and indignant, and the next it is melodious and simple and appealing. In the great themes on which I have heard her discourse—on the uplift of the people underneath the wave, the summoning of the world to salvation—beyond question she rose to heights to which I have heard no other woman and only a few men, attain.

In the first place she is a great orator by nature. God has endowed her with that make-up, physically and mentally. In the second place, she is a sympathetic, good woman. It is the good woman who appeals to the higher and nobler things. She has given herself absolutely to her cause and yet she has not given away any of the woman. Once we were talking about her work and I asked her why she did not marry. She said, "I have given my life to a sacred cause, to the uplifting of the downtrodden, to making men and women better, and causing the world to be happier. Is not that better than marrying?" Then, with the gleam of the natural woman, she said, "I could have married two or three lords in my time," and then, with the recurrence of the thought of the cause for which she had worked and given her life, she immediately said, "I do not mean anything of that kind." When introducing her to a great audience I alluded to the little incident. With a smile and captivating blush, she said, "I had forgotten that. Governor, do you think I said it?"

The cause to which she has consecrated herself is one of the great movements of the world. Look at its power to affect its people. This woman could easily with her pen and tongue make fifty thousand dollars a year, yet she gets a mere living from this great

organization, I think about twenty-five hundred dollars a year or something like that. Do you know that these men and women in Salvation Army uniform that we see in the winter's rain, with the snow falling on them, singing in the streets, caring for the poor and the sick, and attending them in the hospitals, get only ten or twelve dollars per week, and many less than that. No knight who ever consecrated himself in medieval times to God, and no tonsured priest who ever took the vow of poverty, consecrated themselves to poverty more absolutely than the men and women of this great Army. West Virginia has been made into a province, and I am using my best endeavors to assist the splendid work of this group of people in putting a corps of Salvation Army people into every mining village or town of West Virginia.

The general opinion in regard to the Salvation Army is that it is composed of uncultivated and untrained people. There was never a greater mistake. The officers are compelled to go through the most rigid training in college and training school for two years until they are graduated to that great work. They are the best antidote that humanity can devise for the poison of the day in the mining and working districts. They are universally conservative in their work and teaching. They teach conservatism in politics, in living, in religion, and in everything that affects the people among whom they work. I never knew of a Salvationist, either man or woman, who was a Communist, or who had loose ideas of religion or government. They are important in this country to do away with the prevailing looseness of thought.

While discussing the great religious characters of this country, my mind naturally turns to the greatest evangelist of this half century, W. A. Sunday, otherwise known as "Billy." Sunday is not a personal character. He is a movement of the half century. He has always been an honored guest at Sunrise.

Speaking of the great orators, Evangeline Booth, Bryan, and Roosevelt, Sunday has addressed greater numbers of people eye to eye and face to face than any one who ever lived, excepting Bryan and possibly Charles Whitfield. The great evangelist, beginning as a baseball player and graduating from the baseball field into the pulpit, effected some of the rough and ready manners of the game. This was for a purpose. It was to gain attention. He was immature at that time. All he had to offer the people was a burning message and honest heart, filled with a desire to raise mankind, and there was, in addition, the most sustained and unbridled energy I have ever seen in a human being. It was necessary to send the message in the form which would rivet attention. To a certain extent he has continued these methods, but it is no longer the *sine qua non*, it is only the covering for a philosophy, a religion, an experience, a learning, and a theology as deep as any that are found in any one I have ever known. He is often rugged in his address, yet no man can write purer English. He is acrobatic in his action, yet no man can be more dignified when the occasion demands. With all his strange gestures, his peculiar language, his anecdotes, his rough and tumble delivery, he harks back to a religion as simple and pure as ever came from the Good Book. His detractors say that he has commercialized religion by his organi-

zation and his business methods. Well, would to God, that some others would commercialize religion by the same business methods, for if the church lacks any essential it is business management. I have seen him clean up whole communities by these methods. I have living illustrations of the far reaching power of his work in the good living of men and women whose lives were once a curse to society. I have tried to analyze his power over an audience. In the first place, he is deeply religious, but so are many other men, and they are often ineffective. He understands his audience more thoroughly than any man I have ever known excepting Mr. Bryan, and he gives them his message in the way they want it and the way they understand it. I have been asked a hundred times, why does New York vote for Tammany? I reply, "Because Tammany knows what New York wants and gives it to them." So Sunday knows that his audience is not cultivated, not profound or philosophical, and he does not address it in that way. He has all of these requisites but he sees too deeply into his audience to use them.

Again, he has no philosophical or religious doubts and the message is delivered straight and direct, without any of the doubtful entanglements of modern theology. That means much to his hearers.

I have seen him a number of times raise his listeners to Sinaitic heights by sublime oratory. He has the mastery of the English of the Bible, a wealth of varied incident, a sympathetic heart that attunes itself to every sorrow and the courage of a lion. The name "Billy" is now just a habit. The time was when it was a necessary part of his work. He is a great orator, a learned theologian, with a more varied

experience than any citizen of our Republic. He is always in the center of the crowd, always full of story and wit, and his anecdotes fall like the leaves of Vallambrosa. He symbolizes a great movement that takes its place in the religious history of our country, along with the movement of the Salvation Army and the greatest movements of the Church.

I am writing of the masters of speech, but a host of great citizens in other fields crowds my memory. Some of the most interesting people that I have entertained at my house were the people who were masters of finance. The men and women who do great things are always interesting, no matter in what department of life they accomplish their work. I remember once, when I was entertaining the owners of the Chesapeake and Ohio Railway, the party consisted entirely of kings of the financial world. Among them was Percy Rockefeller, who directs and controls an almost fabulous amount of money. Another was Edwin Hawley, who, after Harriman, was the most brilliant man that I have ever known in the world of finance, (alas that he died so early), among others were Edwin Berwind, the great financier and coal magnate, Frank Vanderlip, the President of the National City Bank, who has wrought great things for America, Fred Scott, financier, Major Dooley, of Richmond, Virginia, who combined the art of making money with the love of art, and Theodore P. Shonts, president of the Interborough Railroad.

When they had told me they were coming, George W. Stevens, the president of the Chesapeake and Ohio Railway, asked me to give them a southern dinner. I gave them one prepared by my Virginian cook. After dinner I invited a number of citizens to meet

them. When they were about to leave, after having a fine evening, and the financial magnates were bidding farewell all around, my old neighbor, Bob Carr, may his heart rest in peace, was shaking hands with Mr. Rockefeller. He asked permission to make a few remarks, as he stood holding Mr. Rockefeller's hand. There was silence, and all listened. He said, "I am now an old man, and I have had a hard time in life. I was raised in the country. I did not have any money, but I had always high ideals about money, and the height of my ideals of money was attained by the Rockefellers. In my dream of dreams, I wished for one thing before I died,—that was to have my arms around a Rockefeller and to lay my head upon his breast." And then, to the amusement and the laughter of the company, and the blushing embarrassment of Mr. Rockefeller, Bob, with his eyes shut and a seraphic smile on his face, proceeded to put his arms around him and to lay his iron gray mane upon Mr. Rockefeller's breast. Mr. Rockefeller enjoyed the hilarious laughter which greeted the performance and Bob said, with a satisfied smile on his face, that he now would go home and sleep contentedly at night for he had gratified his great wish, and had laid his head on a Rockefeller's breast.

Among the many guests who have been at Sunrise but whom space will not allow me to mention, none was more welcome, and none more respected, than the Secretary of the Navy during Mr. Wilson's administration, Josephus Daniels. The American people were surprised when the President selected the editor of an inland newspaper as the Naval Secretary. For quite a while the surprise continued, but ere long it

was seen that the President knew thoroughly what he was doing. The Navy needed a shaking-up, in several essential particulars, and the President knew he had selected the right man to do it thoroughly and well. After putting through the needed reforms, he faced the greatest task ever encountered by a Secretary of the Navy in our country or in any other—the sending of two million men, three thousand miles from home through a sea infested with the ships of the enemy. This stupendous task he accomplished without the loss of a man. More than this, he managed the great department, so traditionally filled with dissension, with such economy, tact and ability as to place him among the greatest of naval secretaries. Perhaps he is the greatest, and when the final history of the War is written, I believe this will be the ultimate verdict.

He is a great story-teller and ready speaker, a facile writer, and his work shows him to be a great organizer and a vast builder, with the rare ability to use other men to accomplish results. So, out of the multitude of men who have visited my house, the picture of this great, though kindly, man says farewell to me as I leave my house in the morning and greets me first at night-tide as I again cross my threshold.

I know I will be pardoned for quoting Jerome Haddox, a brilliant writer and a Republican editor, when he says:

“Here is a spot in Charleston where genuine Southern hospitality is always flowing as milk and honey, and forever smiling Howdy-do to the stranger worth while within the gates. That palatial spot, overlooking the Queen City of the State, looking down into the laughing waters of the Kanawha,

THE SECRETARY OF THE NAVY.
WASHINGTON.

September 1, 1920.

My dear Governor:

As a lifelong citizen of Charleston, since August, 1917, I wish to tell you how happy it made me to come in touch with you and the good people of your county and how much my wife and I enjoyed our brief stay with you on Sunday and Monday. It was very thoughtful and kind of you and Mrs. MacCorkle to give us the opportunity of enjoying your hospitality and of meeting so many of your friends. You are indeed a very rich man--I hope you are rich in a material way, but I am referring now to that sort of wealth that warms the cockles of the heart, the wealth of friendship which you have garnered to yourselves in the years of usefulness and helpfulness to others. Will you please convey to Mrs. MacCorkle my own and my wife's appreciation of the gracious hospitality of your home.

With sentiments of esteem and high regard,
I am

Sincerely yours,

Joseph Daniels

Hon. W. A. MacCorkle
Charleston, West Virginia

P. S. I am taking up with the Judge Advocate General the case of Okey Meadows, concerning whom you were coming to see me.

LETTER FROM MR. DANIELS

(From original at Sunrise.)

flirting with the Elk to the west, dimpling almost the sky and standing sentinel over the most beautiful valley in the world is Sunrise, the home of ex-Governor MacCorkle. Though it houses a lord of fighting democrats, the lavish hospitality of 'Sunrise' is extended to minstrel men, to state solons, to Bishops of the Church, to prize-fighters, to designing politicians, to famished newspaper men and to the devil himself, if he hasn't got on a celluloid collar.

"At 'Sunrise' politicians have cursed, prize-fighters have recounted their battles, Bishops have prayed, Al Fields has laughed, poets have raved, human mocking birds have sung, the Lord's Supper has been observed by saints; and men and women with and without ornamentation have tangoed through its halls of mirth. 'Sunrise' advertises the hospitality of West Virginia. Its lord is a democratic sinner, but the Independent breathes the benediction, may there never be a crimson Sunset to the golden 'Sunrise.'"

The editor includes the prize-fighters among the guests at Sunrise. One of the most interesting people I have ever had at Sunrise was James J. Corbett, at that time a prize-fighter. He is a remarkable man and has held his position for twenty-five years before the American public as boxer and prize-fighter, as actor and lecturer. He has a head full of hard sense, and is a natural born gentleman. We were delighted with him. He was graceful, pleasant and deferential, and at the same time demanded perfect respect for himself. He was witty and full of jokes and remarkably ready at repartee. I remember he told us an interesting incident of his career. He was meeting all comers to box four rounds. He was in Philadelphia and he noticed particularly one man whom he

was to meet—Kelly of the Gas House. Kelly was a great big husky awkward fellow, full of spirit and action, and with great long arms, and was thought to be able to stop Corbett. Corbett stayed there for a whole week but always escaped meeting Kelly, who was held to be the premier fighter of the city. Finally, one evening when he could no longer sidestep him, he met him. Kelly was a hard-hitting, awkward fellow with a great deal of energy and strength, and little skill and training. Corbett began by using dilatory and worrying tactics, keeping away from Kelly until he was entirely worn out and his heart and breath had left him. After they had stayed for two and a half rounds they got into an embrace and after twisting around in every way, Kelly fell against Corbett, who was not at all distressed, and as they were breaking away, he whispered to him, "For God's sake, Corbett, let us quit before we kill each other."

I am reminded of another actor, Al G. Fields, the last and greatest of the minstrels, who was frequently at Sunrise. He devoted his life to making people laugh and to bringing joy and fun to their lives. Every time he came to Charleston for many years I had him at Sunrise with a choice number of kindred spirits and there was joy and laughter throughout the whole house. This man did not make fun because he was paid for it, but because he loved the light heart, the kindling cheek and the genial smile. I am reminded of the last time he was there, which was a premonition of the end. During the evening, he was standing over in a corner with Bob Carr. The shadows were also getting long with Bob. Al was failing, and I was beginning to feel the stress and storm of a strenuous life. I went over to Field and put my hand on his

shoulder. His own hand was on Bob's shoulder. I knew he was failing and he knew it also. I said, "Al, how are you?" He looked at me a minute or two without answering, and his eyes filled with tears. He put his other hand on my shoulder and thus made a circle. He said, "Governor, I have been with you and Bob for nearly forty years. I have seen you here or somewhere two or three times a year, and I have always looked forward to the meeting. I am afraid this is my last trip to your home." He paused a moment, and with a smile lingering through his tears he said, "I will soon be in a place where people will not come up to me and say, 'Al, where do you go tomorrow?'" He took his hand from my shoulder and turned his face away. Bob and I went to see him that night at the minstrels. He was never so brilliant, never so funny, never so heartsome, and never so sweet, as he was that night as Bob and I sat beneath him and heard his humor and saw his wonderful minstrelsy. Yet under the fun and humor, like the drone of the bagpipe, there was a minor chord of sadness that left us silent as we climbed the hills to Sunrise. We never saw him again. When next we heard of him he had gone to the place, where those whom he meets will not ask him, "Al, where do you go tomorrow?" Bob has gone after him,—and —

CHAPTER XXIV

MY SWAN SONG

I HAVE been active throughout all of my life working out questions connected with the State of West Virginia. About forty years ago I founded the Citizens National Bank, which today is one of the most substantial financial concerns in West Virginia. I have been connected with it since its foundation, and both the Bank and I are going strong at the present time.

Of course in these recollections I have been compelled to state a few things I have done. I was interested in the building of the Elk River Railroad and was one of those who in its inception pushed it to conclusion. Senator John B. Floyd and I had charge of the campaign for the bonds in Charleston and Elk and Big Sandy Districts. I purchased the whole right of way and was vice-president and general counsel of the road. It was a most important thing to connect this end with the upper part of the state. Afterwards Messrs. Brown, Jackson, and I associated ourselves with Messrs. Drake & Stratton, who purchased the road and we built it on to Clay Court-house, at which terminus it was sold by our associates to Hon. Henry G. Davis, and, afterwards, became the Elk River branch of the Baltimore and Ohio Railroad. I was also largely interested in the building of the Coal River Railroad, which has been of inestimable

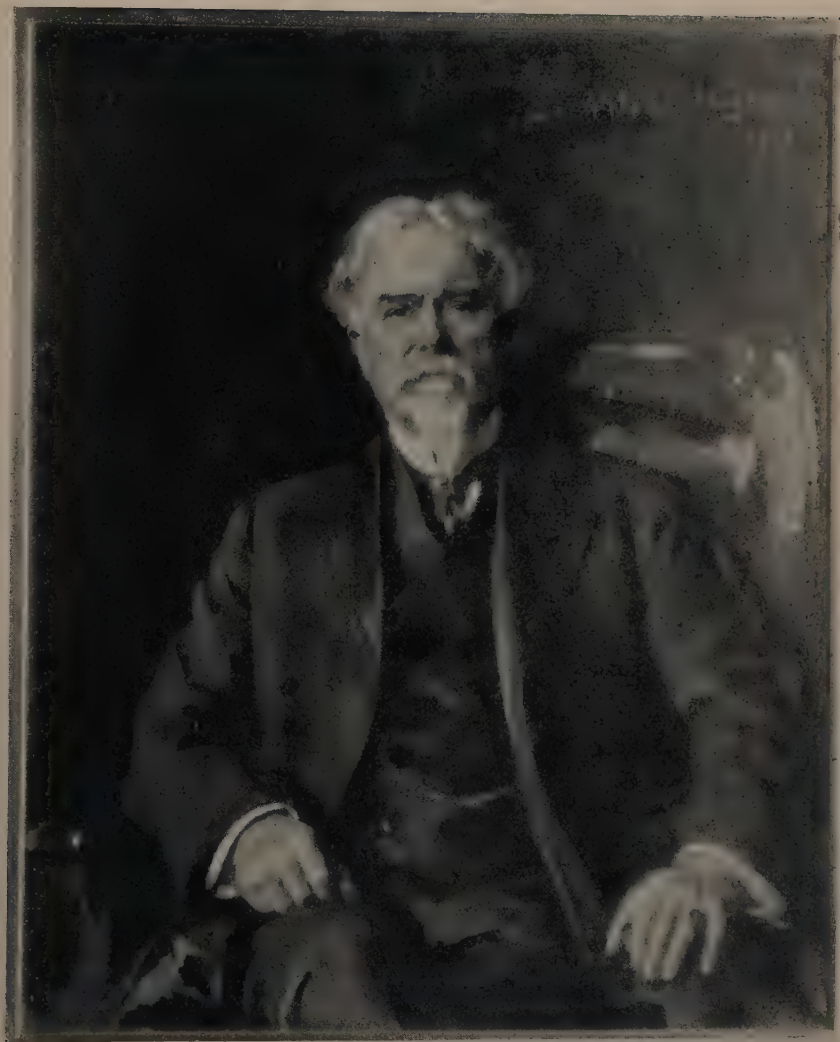
benefit to Charleston. Messrs. W. E. and J. E. Chilton and I were largely interested in land on Coal River. General Watts began the enterprise by building the road to the Upper Falls of Coal. When he had arrived at that place we associated with us the Hon. W. C. Sproul, of Pennsylvania, a very able and energetic business man, and built the road to its present terminus. We owned large tracts of land in that valley and the road immediately developed that property and all that region. It is now one of the great producing sections of West Virginia.

Messrs. J. E. & W. E. Chilton and I were interested in the practical control of the Charleston Inter-urban Railroad and we conceived the plan of building a bridge across the Kanawha River and connecting Charleston directly with the Chesapeake & Ohio Railroad. At the same time we would connect the railroad with the south side of the river at St. Albans. We raised the money with Governor Sproul and built the bridge. While we were building it Mr. F. M. Staunton became associated with us in the railroad, the bridge, and in Kanawha City, the last of which I had kept together up to that time. He purchased an interest in it and his fine business ability and sagacity were utilized in all the subsequent events connected therewith.

My whole life has been associated with the development of the material West Virginia and the Ohio Valley. In the meantime, whilst I was assisting in the development of our country and making a living practicing law, I was writing pamphlets and addresses and books, indifferent though they were. Still, they took time and energy. I published a

volume on the Monroe Doctrine which was intended as propaganda to assist the cause of the United States in taking over the Island of Hayti and San Domingo as part and parcel of this country. I published a volume of my speeches made in various parts of the United States and to various institutions and bodies. They were printed under the name of "Some Southern Questions." Another volume which I published was "The Personal Genesis of the Monroe Doctrine," in which I think I successfully showed that the Monroe Doctrine was inaugurated and announced by James Monroe and that it did not emanate from the City of Boston. I also published a history of the White Sulphur Springs, as it had been of vast importance to the country at large and I think it especially important that its traditions and history should be preserved. I have published many pamphlets in and about the development of this region. All this activity has been a labor of love, and I am sure it has paid me in satisfaction, if it has not always been pleasant to those toward whom it was directed.

I have always endeavored to look on the world with a smile. I am big and strong physically, which gives me an optimistic outlook. Ofttimes when my heart aches, I smile, because there is no use in giving the heartache to some one else. It can do no good. You only make two people unhappy where there was only one. In the ups and downs of life I have been two or three times nearly financially ruined, but I was the only person who knew it. It was my own knowledge and was not to trouble the world. I smiled and the money came. Money does not often come to a sorrowful face. It will come to energy and



AT SIXTY-FIVE

(From the painting at Sunrise by Jongers.)

sense backed with a smile. It keeps away from a sour face just as health runs away from dyspepsia.

I have worried through sleepless hours, but in the morning I tried to appear with a bright eye and smiling face. What use is it to give your heart-throbs to other people unless they are heart-throbs of happiness. You have heart-aches, everybody has them. I slept on a bare table for one whole winter in Charleston. What was the use of telling people about it? I knew I would sooner or later have a bed. Crying and telling would not make the table softer or give me bed clothes, and besides, when you cry you can not see to work.

I have had disappointments, heart breaking disappointments, more than my share of them sometimes, but that amounts to nothing in the long run. Once I saw Christy Mathewson, the great baseball player pitching a game. He was in his decadence. The disease which destroyed him, had at this time fastened itself upon him. He knew he was slipping, and they were batting him all around the field. He never thought of weakening and his stout heart never once slackened in the fight. It was the soul of the man. It is all a mere question of meeting the situation face to face. That is the reason why, after many years I am well, and longing for the perfume of the flowers in the springtime and the song of the birds and the sweet nights of summer.

I have lived for forty years a quasi-public life and have had everything wicked said about me that could be said about anyone. You would think that by now my skin would be thick and calloused from the many tannings it has received, but that is a mistake. I am as thin-skinned as in the beginning, but there is

no use letting an enemy know his arrow has hit a missing link in your armor. Sorrow is just as acute with me as with the sorry-faced, but why tell the world? Why add to its sorrow? If you feel this way you will not have so much of it yourself. The mere brightening of your countenance with a smile alleviates it. I have found, too, that most of the anticipated worries never happen. They do not come. Then, why worry about something which may never happen. Eight out of ten of the matters, yes, ninety out of a hundred, that I have worried about through sleepless hours have never come to pass. Why anticipate them? Why not be bright with the appearance of happiness? The true mission of men is to make other people smile, not to make them cry. That should be the object of every man who cares for men. You must care for people. You cannot go off in a corner by yourself. You cannot neglect the best thing that the world produces. To distill brightness all around, "to lighten up the corner,"—that is what I have tried to do. When I say smile, I do not mean you must not cry. The man or the woman whose tears are dried up is as much to be pitied as the one who cannot smile.

A dear little friend of mine, of six summers, was dreadfully distressed about some friends of hers who had lost their mother. They were all grown people, and she insisted on going to see them in their sorrow. Her aunt, who had seen the sunrise and sunset of more than four-score years, said, "Darling, you had better not go over there. You cannot do any good. How can you help them? You will just be in the way." She replied, "Aunt Puss, I want to go anyhow. I can just cry with them." You see, tears

mean human sympathy. When your sympathy is dried up all is gone. Mingle your tears with your fellow man in his sorrow. He will understand. Sorrow and joy are strangely akin. Back of every tear drop of sorrow is the light of a smile, and I thank the good Master of Sorrow and Joy that the light of a smile always shines through the tear. I do not mean by smiles, a smile of the lips alone. The worst man that I ever knew smiled with his lips. The most sinister convulsion I ever saw on any man's face was when he was trying to smile with his lips and not with his heart. The lip-smiling man is horrible. Do you remember Monsieur Rigaud, in the prison at Marseilles, described in one of Dickens' novels, *Little Dorrit*? His mustache went up under his nose and his nose came down over his mustache. He is the kind of man I am talking about. Let your heart smile and it will make your lips smile. It is easy. The true theory of life is expressed by my old friend, Frank Staunton.

Bright days coming up the slope
With the tinkling bells of hope!
Ye that in the darkness grope,
Let's sing happy!

Is not God's green world as bright
As the day it left His sight
With that word—"Let there be light?"
Let's sing happy!

Let's sing happy: From afar
Where the wrathful storm clouds are
There's the splendor of a star—
Let's sing happy!

Let the song thrill where the sigh
Brought the teardrop to the eye;
'Twill be morning by and by—
Let's sing happy!

This is a very simple philosophy, but in as much as it is simple, it affects so many more people, because, when all is said, a smile is such a simple thing. A smile is so much easier to grasp, so much easier to understand, than sorrow. Sorrow must have time to do its work. A smile comes like the sunbeam, which inexplicably penetrates and glorifies. Sorrow must have time to get in. Then, why not smile?

One day, I was traveling in the west. I was riding the Sante Fe Railroad, on the Limited, and was back on the observation platform. The brakeman was a most magnificent physical specimen. He topped off his splendid physique with a bright, cheery smile. He was stepping about with all the agility of an athlete. He would step over the railing on the rear of the car, throw his switch and then be back to the car almost in one motion. After awhile I said to him, "I would give ten thousand dollars to equal you in strength and vigor," for he was seemingly perfect. He smiled and seemed happy, and he made me happy by the happiness which exhaled from his whole make-up. After awhile I got into him and asked him if he was satisfied with his life. He said that he was. All my other questions he met with as smiling a response. A little bit later I talked to the conductor and spoke about his brakeman. The conductor said, "He smiles, but he has his troubles." "What about," said I? He replied, "About his feet. They are breaking down and he wakes up every morning with the feeling that his feet will break down before the period for his pension arrives and he will be unable to make a living for his wife and children, for he knows nothing but railroading. But he smiles and keeps it to himself." Here was one seemingly the perfection



MY DAUGHTER, ISABELLE MACCORKLE—KILLED IN AN AUTOMOBILE ACCIDENT,
JUNE 12TH, 1926

(From a kodak.)

of a human being, yet, practically he was a wreck. But he smiled and kept his troubles to himself.

This simple rule of life brings amazing results. I have no injuries to avenge, no enemies to get even with, no ambitions to gratify. I will not say, however, that my troubles have all departed. When a man has lived vigorously, the past comes up to him once in awhile, in spite of any rule of life. A year or two ago I met a Democrat whom I had known for years and to whom I had been opposed in many controversies. Having forgotten all about the difficulties of former days, I extended my hand. He looked at me with almost a gesture of dislike, merely touched my hand and went on his way with just a grunt of greeting. I had forgotten that we ever had any controversy. I met Joe Chilton immediately afterwards and said, "Joe, what did we ever do to him?" Joe wanted to know what he had done to me. I said, "He insulted me." Joe said, "How did he insult you?" I replied, "He refused to shake hands with me." Joe said, "If that is all he did, he is not half even with you yet."

This rule does not mean mere mawkish sentimentality. You know from your experiences certain people are dishonest, certain men cannot be relied upon, certain people do not tell the truth, and you cannot feel towards some of them as Saint Paul did when he said, "Alexander, the coppersmith, did me much evil. The Lord will render to him according to his works." Of course you are human, you cannot help that. Still the reason of this plan of life is on a different basis from that which obtained with Ivan the Terrible. When the old murderer and tyrant was dying his Father Confessor leaned over to him

and said, "Your Majesty, do you forgive your enemies?" He whispered back, with his dying breath, "Yes, if any are alive." I am different from old Ivan. I forgive them and they are very much alive.

If you must worry, do like Al Fields. One day he was at Sunrise, and as usual, the center of the company. Some one said, "Al, I should think your business would worry you to death, taking care of drunken minstrels, getting them all on the train, getting them to the show and all that sort of thing." "Yes," he said, "but I have hired a worrier. When a minstrel is late I let him worry about it. When things go wrong, he's the man to worry. He does all of my worrying." "Well," said the party, "he must be a valuable man. You must have to pay him pretty high. "Yes," said Al, "I pay him thirty-five hundred dollars a year." "You do," said the party, "that *is* high. How do you get the thirty-five hundred dollars to pay him?" "Oh," said Al, "I let him worry about that,—that is his business." Adopt Al Fields' plan, if you must worry.

Then smile. Of course you are full of sin and people do things to you. You may want to avenge yourself, but if you smile with your heart, even if you cannot with your lips, it will drive out the darkness and hate and let in the beloved sunlight. This is the experience of threescore years and ten. That is why, after being deceived and disappointed many, many, times through life, that my heart and sympathy go out to sorrow just as it did when life was young.

Accepting as a truism, that the seeking of happiness is the chief object of man, what in my long

retrospect is the happiness which glows brightest with the years? I have not withheld my hand from anything I was trying to do, and my brain and my heart have gone with my hand. What do I look back upon with the most joy? There are in my life some vigorous episodes, some successes and many failures. I have worthily, or unworthily, always sat above the salt. I have always tried to sit in the seats of the mighty, but after all I have more happiness in looking back upon helping people. I do not necessarily mean people that have not food in their stomachs and clothes on their backs, but those who, through various mischances of the world, have needed help of some kind or another. Yes, helping people furnishes the brightest spots in my memory. I do not care for the memory of mere material successes, the successful issue of a campaign or the making of a lot of money, or the accomplishment of a difficult task. These things do not shine in my thoughts. Helping people is the only thing that in the long vista of memory makes a thrill. At seventy years that joy is far higher and more acute than the memory of anything of material nature. In the long nights, when you don't sleep and you are lonesome, it lights up with a glow the otherwise insupportable hours.

The people of West Virginia have been kind to me beyond my deserts. I am as grateful as it is possible for a man to be. I have many shortcomings, but notwithstanding this, the people have been more than kind to me. They elected me governor when I did not have the experience that the importance of the office demanded. I filled it to the best of my ability. If I committed errors they were errors of judgment.

I did the best I could. They elected me to the State Senate in the period of turmoil and strife. They offered to send me to the House of Representatives if I would have accepted the office. The people of West Virginia have sent me to innumerable conventions, placed me on multitudinous commissions and in many other ways shown me undeserved honor. They have given me most important things to do, and have kept me before the people practically for forty years. I appreciate this, although it has given me a life of hard work.

The Ohio Valley, as I have said before, will be in the near future the center of the world's commerce, and West Virginia, by reason of the wonderfulness and richness of its products, its marvelous climate, and its advantageous location, will be the core of it. My grandchildren will see it in its whole wonderful development. The wealth of Golconda is here. Beginning at Russell on the Ohio River and stretching up the Ohio to the Kanawha and Monongahela there will be no part of the world so rich and powerful. There is no state comparable to West Virginia in its vast possibilities. It has everything to make the people happy, if the people will wisely use their opportunities. I hope they will not load themselves with taxation, because my experience is, that a man burdened with debt is not efficient, and a state is only an aggregation of men. As I have pointed out, the present practice of burdening future generations, except in a few cases, is wrong.

These fifty years have comprised a most interesting period. Yet the next twenty-five or fifty years will be unquestionably the most interesting to mankind since the Christian era. They will be interesting

from every standpoint. The great discoveries in chemicals, power, and transportation will be perfected. The greatest era of exploitation and investigation is coming and it will be amazingly interesting. In the political world the most interesting development in history will be Europe finding herself. Europe must find herself. To go on as at present, divided into little states, warring with each other, with guns and soldiers, and by tariffs and diverse politics, is unthinkable. It will all work itself out in some way—I think into some kind of a defensive alliance by agreement of the kings and states and republics among themselves, as to tariffs, political rights, and frontiers. These will mould themselves into a self-protective entity. “We need a European legal code, a European court of appeal, a unified coinage, a common system of weights and measures. The same law must run throughout Europe. I shall fuse all the nations into one. . . . This, my lord duke, is the only solution that pleases me.” (Napoleon.)

The most interesting of all of these evolutions will be Russia. She is working out through devious ways her own salvation. Russia is the only power in the world comparable in material wealth to the United States, and in the next fifty years Russia and the United States will confront each other as the two most powerful political subdivisions of the earth. I think Europe will be finally constituted so as to oppose and resist the political and commercial influence of the United States. The British Empire will witness some strange transformations as the years go on. The commonwealths comprising that empire will become more and more self-important

and independent, so that practically there will be only sentiment binding them to the British Empire. Sentiment does not play much part between countries when confronted by material and political differences. India will ultimately be independent of Europe. This will be upon the demand of China and Japan, who will eventually bind together the Asiatic races. All of these things will be vastly interesting, and they will work out within the next half century. I would love to live to see how they all eventuate.

In a way I have been happy through my long life. The happiness of my life has been in trying to do things. I have never learned to play. The only game that I can play is the blessed game of marbles, and the thing I look forward to in the evenings is to beat both of my grandsons at the game, although I am seventy and they are eleven and twelve years of age. As I grow older, I think that somehow, or sometime, every man should play. If you work you need recreation. I am talking about men who really work. The man who does not work in a republic is not a good citizen.

I have latterly seen sinister ideas creep into the religious life of the people. I regret it because a country cannot be safe unless it is solidly founded upon religion. I believe in the old fashioned religion, in punishments as well as rewards and in the Bible as it was written, and that Jesus Christ was born to save sinners. While I am singing my parting song, I will say I have faith in prohibition just as it is set forth in the Eighteenth Amendment. I have watched it, not as a namby-pamby spectator, but as a man full of red blood, and interested to the limit. It is the wisest thing we have ever done.

Another thing. Frequently, when I have been speaking to the people and have stressed patriotism, many of my hearers have received it lightly. This is a most serious thing. They say the country is all right, "But money talks and business is business." That policy has ruined many historic countries. When the people of a country get to looking at the pocket-book and not to the good of the country it is a dangerous time for a republic. It is not a good thing for people to pay too much attention to the material things. Patriotism is a sacred sentiment and next to religion it is the foundation of a country's real greatness.

This is about all that I have to say. I do not believe I understand this matter of life. It seems that after all my efforts in striving and working, through the snow and heat, and giving and helping, all these years, that the sum of my accomplishment has not amounted to much. In other words, it seems to me that my life has been in a sense a failure. I have striven for the good of the people as earnestly as for myself, but I have accomplished very little. After all, I repeat, it seems to be a failure. Personally, when all is said, I am here in my big house, and at night the echoes of my own footsteps are about all the sounds that I hear. My wife and all my children have gone, except my dear son and his family, with their sweetness and kindness. With this exception I am by myself. Well, it is the way of God and I do not complain. Yet sometimes when I am lonesome and weary, oftentimes even when the bright sun is shining upon me, and in the solitude of the night, "I long for the touch of a vanished hand and the sound of a voice that is stilled." Then it seems to

me, with my knowledge and philosophy—finite and uncertain, it is true—that this is not as it should be and that after the exertions of a hard life I should have some happiness. I have not found the joy of the Lord, although I have prayed unceasingly for it. I have striven daily for it, but it has not come. Still, I have the promise that it will come.

If I have said anything in this book that seems unkind to anyone I pray forgiveness, for I have nothing but kindness in my heart. After our little play is over the scene will still go on, only with the men changed, as they have been changed in my time and in all times. When I look back on the past and turn the pages of this book, I find it but a memory of those who are gone. They are but shadows on the canvas, silhouettes on the crest of the mountains, and I see them but dimly and afar off. The only real thing in life is to feel kindly towards your fellow man, do your duty as you think it should be done, love God, obey his laws, and when the shadows get long and the sun is about to set—and there comes a wistfulness for help, and for company, as with the years it surely will come—Some One will take your hand and gently lead you out of the shadows into the sunlight.

GOOD-BY.

INDEX

Abbott Murder Case, 65
 Alderson, John D., 262
 Anderson, Robert, 22
 Anderson, William A., 8, 22, 541
 Appalachian Mountains, 195-199
 Atkinson, Gov. George W., 479

Bennett, George, 454
 Bennett, William, 454
 Blennerhassett Case, 424-427
 Booth, Evangeline, 605-607
 Brannon, Judge Henry, 455, 456
 Brannon, Judge John, 455, 456
 Broun, Major Thos. L., 130-134
 Brown, Col. Forest W., 467
 Brown, Judge James H., 89-92
 Brown, James F., 149, 150
 Brown, Judge Robert, 158, 159
 Brown, John Trial, 427, 428
 Bryan, Mr., 591-600
 Buchanan, Rebecca, 13
 Bullitt, Logan C., 441, 444
 Burt, C. M., 407
 Byrne, Col. B. W., 146

Caldwell, Charles H., 107-112
 Camden, Johnson, N., 453, 454
 Campbell, Judge Alex. N., 167, 181-185, 313
 Campbell, C. W., 260
 Capterton, Allan T., 178
 Carr, Robert, 54, 55, 611
 Charleston, 32, 37
 Chilton, Joseph E., 88, 118, 246-253, 590
 Chilton, William E., 32, 85, 149, 153, 154, 155, 466, 578
 Chilton, MacCorkle and Chilton, 33
 Circuit Riders, 226-293
 Coal River Railroad, 414, 415
 Convention of 1893, 466-472
 Convention 1829-1830, 326
 Corbett, James J., 613
 Cornwell, Gov. John J., 478-480
 Cole, John L., 144
 Couch, George S., 145
 Cracraft, Capt. J. W., 147

Cox, George W., 535-539
 Cuba, 532

Daniels, Josephus, 612
 Davis, Henry G., 452-454
 Davis, Colonel John W., 177
 Dawson, Governor, Wm. M. O., 448-451
 Dayton, Judge, 109
 Dennis, Robert F., 176
 Denver City, 10
 Dickinson & Shrewsbury, 116
 Doddridge, Evans, 48, 92, 94
 Doddridge, Philip, 93, 327
 Dyer, E. E., 125

Edmonds, William Seamore, 408
 Elk River Railroad, 416
 Elkins, Stephen B., 445-448
 Enforcement of Law, 449
 Enslow, Frank, 253-258

Faulkner, Senator Charles J., 454
 Federal Court, 49
 Ferguson, Judge James H., 62-81
 Feuds, 282-288
 Fields, Al. G., 614
 Fisher, Henry I., 156
 Fitzhugh, Nicholas, 130
 Fleming, Judge A. B., 434-437
 Freer, Romeo H., 53, 146
 French, Colonel Milton H., 261-264

Gaines, Myra Clark, 93, 94
 Gallaher, D. C., 147-149
 Gibson, Eustace, 239, 243
 Glasgow, Frank, 8
 Goff, Nathan B., 430-433
 Goff & Fleming Contest, 434-444
 Goshorn, Belle F., 33, 34
 Greenbrier County, 165
 Gunn, Captain W. R., 162
 Guthrie, Judge Frank, 156

Harrison, Judge, 167
 Harvey, Thos. H., 265, 266
 Hedrick, Charles, 123

- Hereford, Frank, 179
 Higginbotham Murder Case, 241-244
 Hogeman, Colonel Wm. H., 91, 94-98
 Hogg, Charles Edgar, 158, 162
 Holley, General James A., 466
 Holt, Judge Homer A., 171
 Holt, Marlin H., 259
 Houston, Samuel, 206
 Howell, Captain Evan, 573
 Huntington, C. P., 134

 Ingalls, M. E., 410

 Jacobs, John J., 45
 Jackson, Judge John J., 124-137, 417-425
 Jackson, Malcolm, 127, 149, 151-153
 Jackson, Judge Monroe, 417
 Jones, Joseph A., 97, 103

 Kanawha Bar, 42, 49, 139
 Kanawha Court House, 41
 Kanawha Valley, 36, 37
 Kenna, John E., 33-73, 83-88, 141, 179
 Knight, Edward, 57-61, 136

 Laidley, Major James M., 115, 139
 Laidley, W. S., 145
 Letcher, Governor John, 34, 35
 Lewis, James Hamilton, 475
 Liberty Loans, 546-556
 Littlepage, Judge Adam B., 240
 Littlepage, Judge S. D., 239

 MacCorkle, Alexander, 3
 MacCorkle, A. D., 7
 MacCorkle, Alexander L., 7
 MacCorkle, Belle F., 33, 34
 MacCorkle Family, 4, 5, 6
 MacCorkle, John, 3, 6
 MacCorkle, Mary Morrison, 6, 12, 14
 MacCorkle, Rebecca, McNutt, 7
 MacCorkle, William, 6, 10, 11
 MacCorkle, William A., 7
 Markham, John H., 260
 Marshall, Vice President, 577, 578
 Martin, Senator Thomas, 580, 581
 Mathews, Alexander T., 172-175
 McClintic, Judge George W., 167, 168
 McGinnis, James H., 233
 McGraw, John T., 462
 McKinley, President, 530-533
 McNutt, John, 6

 McWhorter, Judge, 139, 168
 McWhorter, Family, 168
 Menager, James B., 147
 Miller, James H., 260
 Miller, Samuel A., 119-121
 Mollohan, Wesley, 60, 121-127
 Mountains, 36-38
 Mountain People, 201

 Negotiations for Paint Creek Railroad, 406

 Old Virginia Debt, 540, 541
 Old Bar, 191-194
 Old and New Bar Comparison, 302-310

 Pardoning Power, 501-520
 Parish, Robert L., 71
 Poffenbarger, Judge Geo., 163
 Poffenbarger, Livia Simpson, 159, 160
 Political Development, 463-465
 Practice, 286-298
 Preston, John A., 177
 Price, Senator Geo. E., 124, 147, 148
 Price, Governor, 169, 170
 Progress of Country, 557
 Putnam, Major Geo. Haven, 526-529

 Quarrier, William A., 51-57, 91-135

 Rehabilitation of South, 561-569
 Road Bond Amendment, 543-545
 Rogers, H. H., 412
 Roosevelt, President, 591, 600-604
 Ruffner, Joseph, 131, 148, 206

 Salt Making, 114
 Scotch-Irish, 19-29
 Shooting Match, 213, 214
 Slavery, 15-17
 Simpson, Perry, 161
 Smith, Col. Benjamin H., 127-129
 Smith, Isaac N., 115-117
 Smith, Judge Joe, 42-48
 Snyder, C. P., 146
 Snyder, Judge Adam, 170
 Southern West Virginia, 38-40
 Sproul, Hugh B., 8
 Sproul, William C., 617
 Staunton, F. M., 617
 St. Clair, J. W., 186-190
 Stanchfield, John B., 592-600
 Stevenson, Vice President, 586-589
 Stratton, R. S., 235-238
 Strikes, 494-498
 Sunday, William A., 608, 609

- Sunrise, I, 577
 Summers, Geo. W., 128-130, 311-342
 Summers, Geo. W., speech of March 18, 1851—and May 2, 1851, 342-401
 Swan, Captain John S., 141-144
 Swan, Colonel T. B., 140

 Tariff, 21
 Taylor, Governor Robert, 447;
 (Fiddle and the Bow), 478
 Teaching School, 31, 32
 Terrorism in Missouri, 12
 Tierney, Lawrence, 467
 Tucker, John Randolph, 119-120, 473-474

 Vinson, Z. T., 261

 Walker, Henry S., 180, 458-461
 Walker, Stuart W., 466, 467
 Walker, W. W., 68, 69
 Washington, Booker T., 568-570
 Washington & Lee University, 28-30
 Ward, Judge Evermont, 267-274
 Watts, C. C., 33, 102, 147-245
 West Virginia, 34-35, 203-204
 West Virginia People, 209-224
 West Virginia Material Development & Resources, 482-491
 White, Governor, 480
 White Sulphur Springs, 253-258
 Wild Pigeons, 9
 Wilson, Governor E. Willis, 98-113
 Wilson, President, 581-585
 Wilson, William L., 523-529
 Woods, Judge Samuel V., 457
 Wu Ting Fang, 3, 4



